

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1278 OF 2016  
IN  
WRIT PETITION NO. 4652 OF 2014

Shri Lahu Krishna Mhatre  
& Another

.. Applicants.

v/s.

Sou. Nirmala P.Patil  
& Others

.. Respondents.

Mr. Sachin Dhakephalkar for the Applicants.  
Mr. Sanjay S. Patil, for Respondent No.1.  
Mr. Subhash G. Patil, for Respondent No.8.

**CORAM: M.S.SANKLECHA, J.**

**DATE : 7<sup>th</sup> AUGUST, 2017.**

**P.C:-**

None appears for Respondent No.7 in spite of service.

This Civil Application seeks to set aside the order dated 28<sup>th</sup> October, 2015, passed by the Registrar (Judl.) By the impugned order, the Petition stood dismissed against Respondent No.7 therein, for want of service.

2 By the order dated 28<sup>th</sup> October, 2015, of Registrar (Judl.) the Petitioner was directed to serve Respondent No.7 within four weeks, failing which the Petition would be dismissed.

3 The Petitioner was not able to comply with the directions issued in the order dated 28<sup>th</sup> October, 2015 as Respondent No.7 had

shifted his residence and his new address was not known. Thereafter, the Petitioner learnt that the Respondent No.7 was residing at Bhiwandi and the Petitioner immediately served the Petition on 24<sup>th</sup> April, 2016.

4           The Petitioner is still awaiting admission. Therefore, the delay in serving the Petition is condoned, as sufficient cause has been shown viz; change of residence of Respondent No.7.

5           Therefore, the Civil Application is allowed in terms of prayer clauses (a) and (b).

6           **Civil Application is disposed of.**

**(M.S.SANKLECHA,J.)**