

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.704 OF 2016
IN
CIVIL APPLICATION NO.1228 OF 2012
IN
R.C. NO.1520 OF 2013

Miss. Madhumati Sitaldas Idnani ... Applicant

Vs.

Shri Rafiq Ahmed A. Qureshi & anr. ... Respondents

Mr.Harish R. Pawar for the Applicant

CORAM:MRS.MRIDULA BHATKAR, J.

DATE: AUGUST 22, 2017

P.C.:

1. This application is moved for setting aside the order dated 14.9.2012 passed by the Registrar (Judicial II) for dismissal of the Civil Application No.1228 of 2012. The learned Counsel submitted that it was dismissed because the respondents were not served for want of proper address. He submitted that Respondent No.1 has left the residence, which was last known to the applicant and the office of respondent No.2 Cooperative society is closed. He further submitted that he be allowed to serve respondent No.1 by publication in two daily newspapers – one in English and one in vernacular language.

He submitted that the applicant – original plaintiff was sick for nearly 1½ years and therefore, steps could not be taken.

2. There is an inordinate delay, however, as the notices were not served. By way of last chance, the application is allowed. The order dated 14.9.2012 is set aside. However, the applicant/plaintiff is directed to serve respondent No.1 by publication in an Urdu daily and an English daily newspaper and thereafter, to show service in the Registry. This process shall be completed in six weeks.

3. Civil Application is disposed of accordingly.

4. List the appeal on 27.9.2017. It is made clear that if no steps are taken and proof of service by publication is not produced, the appeal will be dismissed on the next date.

(MRIDULA BHATKAR, J.)