

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.451 OF 2016
IN
REJECTED CASE NO.896 OF 2010
(SECOND APPEAL (ST) NO.30291 OF 2006)**

Balu Baban Bhandale and Anr. ... Applicants
versus
Dattoba Shankr Bhadale (deceased)
and Chabubai Dattoba Bhadale and Ors. ... Respondents

Mr. A.B.Tajane, for Applicants.
None for Respondents.

CORAM: S.J. KATHAWALLA, J.

DATE: 28th JULY, 2017

P.C.:

1. Perused the Civil Application, which is served on Respondent No.6. However, Respondent No.6 is not present before the Court by himself and/or his Advocate. In view thereof, for reasons set out in the Civil Application, the same is allowed in terms of prayer clauses (a), (b) and (c) which are reproduced hereunder :

- "(a) Delay of 5 years and 72 days in filing the present civil application be condoned;
- (b) The conditional order dated 19-11-2010 as against Respondent No.6 Baban Raghoji Bhadale be set aside and the Applicant be permitted to serve Respondent No.6 Baban Raghoji Bhadale by speed Post AD as well as Court notice also be issued to above Respondent No.6 ;

(c) The Applicants be permitted to amend the address of Respondent No.6 in the Second Appeal and pending Applications as per the address mentioned in the present Civil Application;"

2. The above Civil Application is accordingly disposed of.

(S.J.KATHAWALLA, J.)