

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2811 OF 2015
IN
FIRST APPEAL NO. 1525 OF 2009

Chandrakant Anant Nakharekar ..Applicant/ Appellant
vs.
Sunil Sitaram Kurnekar & Ors. ..Respondents

Ms Supriya Gurav for Applicant / Appellant.
Ms B. Belkar for Respondent No. 1.

CORAM : M. S. SONAK, J.
DATE : 14 MARCH 2017

P.C :

- 1] Heard Ms Gurav for the applicant / appellant and Ms Belkar for the respondent no. 1.
- 2] By this civil application, the applicant seeks restoration of the appeal as against respondent nos. 1 and 3.
- 3] The appeal was dismissed as against respondent nos. 1 and 3, because, despite grant of several opportunities, no proper steps were taken to effect service upon them.
- 4] Ms Gurav, learned counsel for the applicant now states that in case the appeal is restored against the said respondents, steps will be taken to effect service upon them within a period of four weeks

from today.

5] The dispute in this case is between cousins. Relying upon the assurance given, the order of dismissal of the appeal as against the respondent nos. 1 and 3 is recalled. The appeal is restored as against the said respondents.

6] The appellant to take steps to serve respondent nos. 1 and 3 within four weeks from today. In case, no steps are taken, the appeal once again to stand dismissed against the said respondents without further reference to the court.

7] In addition to the usual mode of service, private service is also permitted. The appellant to file affidavit of service.

8] The civil application is disposed of accordingly.

(M. S. SONAK, J.)

Chandka