

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.2553 OF 2016
IN
WRIT PETITION NO.2835 OF 2009**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.S.R.Ghanavat i/b Mr.V.S.Talkute for the applicant

Mr.V.S.Kapse i/b Mr.M.R.Suryavanshi for the respondent nos.2A to 2D and 12B and 12C

**CORAM : K. K. TATED, J.
DATE : JUNE 27, 2017**

P.C.:

- 1 Heard the learned counsel for the parties.
- 2 This application is for setting aside the conditional order dated 5.5.2015 passed by learned Registrar (Judicial-I) by which the Writ Petition stands dismissed against respondent nos.3B and 3C for want of taking steps for service.
- 3 Applicant is also seeking to carry out appropriate amendment in the cause title of the Civil Application showing present correct name of respondent nos.3E.
- 4 Considering the submissions made by the learned counsel for the Applicant and the

averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order is passed:

- a) Order dated 5.5.2015 passed by learned Registrar (Judicial-I) is set aside to the extent of dismissal of Writ Petition against respondent nos.3B and 3C.
- b) Writ Petition No.2835 of 2009 is restored against respondent nos.3B and 3C.
- c) Applicant is permitted to carry out appropriate amendment in cause title showing present correct address of respondent nos.3B, 3C and 3E.
- d) Applicant is permitted to carry out appropriate amendment in cause title showing present correct name of respondent no.3E.
- e) Amendment be carried out within 3 weeks from today, failing which Civil Application shall stand dismissed without referring back to the court.
- f) If amendment is carried out within stipulated time as stated hereinabove, registry is directed to issue fresh notice to respondent nos.3B, 3C and 3E in Writ Petition No.2835 of 2009, returnable after 12 weeks.
- g) In addition to usual mode of service, Applicant is permitted to serve Respondent nos.3B, 3C and 3E along with entire proceedings by private

notice either by registered post A.D. and/or by hand delivery and file Affidavit of Service to that effect within 8 weeks from today.

h) Civil application stands disposed of accordingly.

(K.K.TATED, J.)