

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

**CIVIL APPLICATION NO.1306 OF 2017
IN
WRIT PETITION NO.7881 OF 2014**

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.K.S.Patil for the applicant

Mr.S.H.Kenkal, A.G.P for the respondent no.3

Mr.P.B.Shah for the respondent no.1

CORAM : K. K. TATED, J.

DATE : JUNE 21, 2017

P.C.:

- 1 Heard the learned counsel for the parties.
- 2 This application is for setting aside the order dated 27.4.2017 passed by learned Registrar (Judicial-I) by which Writ Petition No.7881 of 2014 stand dismissed against respondent no.2 for non-service.
- 3 The learned counsel for the applicant submits that applicant undertakes to serve respondent no.2 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. He submits that in the interest of

Justice, this Hon'ble Court be pleased to allow the present Civil Application by condoning the delay.

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:

A) Civil Application is allowed in terms of prayer clause (a), (b), (c) which reads thus:

“(a) That the condional order dated 27/04/2017 passed by the Ld.Registrar (Judl-1) may kindly be set aside and that the above Writ Petition be restored to file as against the Respondent No.2 and be heard on merits.

(b) Delay if any caused in filing present Application may kindly be condoned.

(c) Filing of Affidavit of Applicant may kindly be dispensed with.”

B) Applicant to serve respondent no.2 in Writ Petition No.7881 of 2014 along with entire proceedings by private notice either by registered post A.D. and/or by hand delivery within six weeks from today and file Affidavit of Service to that effect, failing which Writ Petition stand dismissed against respondent no.2 without referring back to

the court.

C) Civil application stands disposed of accordingly.

(K.K.TATED, J.)