

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELATE JURISDICTION**

**CIVIL APPLICATION NO. 3016 OF 2016
IN
WRIT PETITION NO. 783 OF 2015**

Bandu Shankar Dagade .. Applicant

In the matter between

Bandu Shankar Dagade .. Petitioner

v/s.

Santosh Dnyanoba Dagade & Ors. .. Respondents

Mr. Madhav Jamdar for the applicant

Mr. M.R. Bohra i/b S.B. Shetye for respondent no.1

CORAM : M.S. SANKLECHA, J.

DATED : 14th AUGUST, 2017

PC.

1. This Civil Application seeks condonation of 60 days delay in filing the civil application seeking recall of the order dated 11th July, 2016 passed by this Court, which directed the petitioner to serve the respondents within six weeks thereof, failing which the petition would stand dismissed without reference to the Court.

2. The Civil Application sets out the reasons leading to non-

service of the petition upon the respondents, within the time specified by order dated 11th July, 2016. The reasons set out in the application clearly brings out that the failure to comply the service upon the respondents was on account of mistake / oversight by the clerk of the applicant's advocate. In all, there are 22 respondents in the petition and all have been served, except respondent nos. 3, 4, 6, 10, 16, 17 and 22. The learned Counsel for the respondents strongly objects to grant of any relief in this civil application.

3. I am satisfied that the reasons set out in the application for failure to serve the respondents within time stipulated by order dated 11th July, 2016. It merits acceptance and consequent withdrawal of the order dated 11th July, 2016.

4. Consequently, this application is allowed in terms of prayer clauses (a), (b) and (c).

(M.S. SANKLECHA, J.)