

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 2955 OF 2016 IN
FIRST APPEAL NO. 1367 OF 2012

Laxmanbhai Mohanbhai Patel
Deceased through LRs

Applicants

Versus

K.P. Netesan Pumalay
& others

Respondents

Mr. Ladda, advocate holding for Mr. R.M. Sharma, advocate for applicants.

CORAM : M.S. SONAK, J.
DATE : 22nd JANUARY, 2018

PER COURT:

1. Learned counsel for applicants points out that at the stage when the matter came to be dismissed for failure to take steps, the respondents who are now unserved were even then unserved. He points out that there are considerable difficulties in effecting service and that is the reason why the matter came to be dismissed for failure to take steps. Learned counsel submits that the appeal may be restored and thereafter, appellant shall seek leave to serve the unserved respondents by way of substituted service. Since the request is reasonable, the same is accepted.

2. Delay in taking out civil application is condoned. Order of the Registrar on 26.12.2013 dismissing the appeal is abated and set aside. Appeal is restored.

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3. Civil Application stands disposed of.

(M.S. SONAK, J.)

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