

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

**CIVIL APPLICATION NO.250 OF 2018
IN
FIRST APPEAL (ST) NO.15556 OF 2016**

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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Mrs.S.S.Dwivedi for the applicant

**CORAM : K. K. TATED &
SARANG V. KOTWAL, JJ.
DATE : JANUARY 19, 2018**

P.C.:

1. Heard the learned counsel for the Applicant.
2. This Application is for restoration of First Appeal and pending Civil Applications against Respondent nos.1, 2, 3, 4, 6 and 7 which stand dismissed in view of conditional order dated 9.11.2017 passed by learned Registrar (Judicial-II).
3. The learned counsel for the Applicant submits that it remained on their part to take appropriate steps for service on unserved Respondents. She submits that in the interest of Justice, this Hon'ble Court be pleased to set aside the order dated 9.11.2017 and restore First Appeal as well as pending Civil Application against Respondent nos.1, 2, 3, 4, 6 and 7. She submits

that Applicant undertakes to take appropriate steps against these Respondents within four weeks from today. She submits that to that effect, they made averments in paragraph 4 of the Civil Application.

4. The learned counsel for the Applicant submits that Respondent no.1 Mr.Duncan Williams s/o Mr.Williams also preferred First Appeal No.436 of 2016 challenging the impugned judgment and award passed by the Tribunal. She submits that said Appeal is already admitted by this court and same is pending for hearing and final disposal on its own merits.

5. Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, we are satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order:

a) Order dated 9.11.2017 passed by the learned Registrar (Judicial-II) is set aside and Civil Application No.3365 of 2016, 3366 of 2016 and First Appeal (ST) No.15556 of 2016 is restored on file against Respondent nos.1, 2, 3, 4, 6 and 7.

b) Applicant to take appropriate steps for service on Respondents within four weeks from today, failing which the Civil Application shall

stand dismissed without further reference to the court.

c) Civil application stands disposed off accordingly.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)