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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 681 OF 2018
IN
WRIT PETITION NO. 9981 OF 2016

M/s. Sagar Traders	... Applicant
through its proprietor,	
Smt Radha Bhoga	
vs.	
Shankar Malayya Namani	... Respondents

Mr. Anil N. Nagargoje i/b. Mr. Sagar C. Kumbhar for the Applicant.
None for the Respondent.

CORAM : A.K. MENON, J.
DATE : 16th MARCH, 2018

P. C.

Mentioned. Taken on production board.

1. This Civil Application seeks restoration of above Writ Petition which came to be rejected for non compliance of order dated 13th October, 2017. The order dated 13th October, 2017 granted four weeks time upto 24th July, 2017 to take steps for serving the unserved respondent failing which the petition was to stand dismissed.
2. Learned Advocate for the applicant points out that on 21st November, 2017 an application was made before the Registrar (Judicial I) seeking extension of time for four weeks to take steps to serve respondent. Exhibit C of the Civil

Application reveals order was passed on the civil application dated 22nd November, 2017 granting two weeks time. However, this was lost sight of by the petitioners Advocate, in view of the fact that a handwritten order was passed on the application itself.

3. On perused the contents of the application and hearing the learned counsel for the petitioner, I am satisfied that there is sufficient reason to allow this civil application. Accordingly, I pass the following order :

- (i) Civil Application allowed in terms of prayer clause (b).
- (ii) The applicant / petitioner shall take steps to serve respondent by all possible modes. In the event service is not effected within a period of four weeks from today, this order will stand vacated.
- (iii) Civil Application disposed of in the above terms.

(A.K. MENON, J.)