

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.947/2018
IN
FIRST APPEAL NO.413/2014

SBI Global Factors Ltd.

... Applicant

V/s.

Jejuplast Ltd. & Ors.

... Respondents

Ms. Aparna Wagle i/b. H. S. A. Advocates for the Applicant
Mr. Ketan Dhavale i/b. Saurabh Oka for Respondent No.7

**CORAM: K.K. TATED &
B. P. COLABAWALLA, JJ.**

DATED : MARCH 16, 2018

PC. :

1 Heard. This Application is made by the Appellant for recalling the order dated 15.01.2018 passed by this court by which the First Appeal stood dismissed against the unserved Respondent Nos.6, 9 and 10.

2 The learned counsel for the Applicant submits that now they received the present correct address of Respondent Nos.6, 9 and 10 as stated in paragraph 7 of the Civil Application. She submits that in the interest of justice, this Hon'ble Court be pleased to recall the order dated 15.01.2018 and allow the Applicant to serve the Respondents in the First Appeal on their present correct address. She submits that if the order is not recalled, irreparable loss will be caused to them.

3 It is to be noted that this court, by order dated 15.01.2018 had granted the Applicant four weeks' time to take appropriate steps for service. In spite of that they have failed and neglected to do so.

4 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. At the same time, they have to pay cost of Rs.10,000/-.

5 Hence, the following order:

a) Order dated 15.01.2018 passed by this court by which the First Appeal stood dismissed against Respondent Nos.6, 9 and 10 is recalled.

b) The First Appeal No.413/2014 is restored against Respondent Nos.6, 9 and 10 to file for hearing on merits.

c) Office to issue fresh notice to Respondent Nos.6, 9 and 10 in First Appeal on their present correct address as stated in paragraph 7 of the Civil Application, returnable after 12 weeks.

d) In addition to usual mode of service, the Applicant is permitted to serve Respondent Nos.6, 9 and 10 along with entire proceedings by way of private notice either by RPAD and/or by hand delivery and to file an Affidavit of service to that effect within 12 weeks from today.

- e) The Applicant to pay cost of Rs.10000/-.
- f) Cost shall be paid to Kirtikar Law Library, High Court, Mumbai, within two weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.
- g) Civil application stands disposed off accordingly.

(B. P. COLABAWALLA, J.)

(K.K. TATED, J.)