

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1443 OF 2018
IN
WRIT PETITION NO.3918 OF 2017

M/s. Royal Builders and Developers
Through Its Proprietor ... Applicant

Vs

The Special Recovery Officer,
Maratha Sahakari Bank Ltd. And Ors. ... Respondents

...

Mr. Anand Mishra I/by Mr. A.M.Saraogi for the Applicant.

Mr. K.S.Dewal I/by Mr. J.M.Joshi for the Respondent Nos.1
and 2.

Mrs. Sushma Bhende, AGP for R.Nos.3 and 9.

CORAM : K. K. TATED &
SANDEEP K. SHINDE JJ.
DATE : 5 SEPTEMBER, 2018

P.C. :

Heard learned counsel for parties.

2 By this Civil Application, the Applicant is seeking to set aside the conditional order dated 15.12.2017 passed by learned Registrar (Judicial-I) by which Writ Petition No.3198 of 2017 stands dismissed against Respondent Nos.4 to 7 for want of service.

3 The learned counsel for the Applicant submits that it remained on the part of earlier advocate to take immediate steps to

prefer the present Civil Application. Hence, there is delay of 61 days in filing the present Civil Application.

4 The learned counsel for the Applicant further submits that they tried to serve Respondents, but they learnt that the Respondent Nos.4 to 7 left the said premises and they do not have present correct address to that effect. Advocate for the Applicant relied upon paragraph 3 of the Civil Application.

5 The learned counsel for the Applicant submits that in interest of justice, delay occurred in preferring the present Civil Application be condoned and the Applicant be permitted to serve Respondents. He further submits that the Applicant is ready and willing to pay the cost of Rs.25,000/-.

6 Considering the submissions made by the learned counsel for the Applicant, the averments made in the Civil Application and as the Applicant is ready and willing to pay the cost of Rs.25,000/-, the following order is passed:

(a) Order dated 15.12.2017 passed by the Learned Registrar (Judicial-I) is set aside.

(b) Writ Petition No.3918 of 2017 is restored on file

against the Respondent Nos.4 to 7.

(c) Applicant is permitted to serve Respondent Nos.4 to 7 along with entire proceedings by hand delivery on or before 14.9.2018 and file service affidavit to that effect.

(d) Applicant to pay the cost of Rs.25,000/-.

(e) Applicant to pay the said cost in Kirtikar Law Library on or before 11.9.2018 and place on record receipt to that effect failing which Civil Application shall stand dismissed without further reference to the Court.

(f) Writ Petition No.3918 of 2017 to appear on board on 21.9.2018.

(g) Civil Application stands disposed of accordingly.

(SANDEEP K. SHINDE, J.)

(K. K. TATED, J.)

Shambhavi Niles Shivgan
Digitally signed by Shambhavi Niles Shivgan
Date: 2018.09.07 16:24:29 +0530