

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1268 OF 2018

IN

WRIT PETITION NO. 10500 OF 2017

Mrs Surekha N. Dhapte

..Applicant

Vs.

State of Maharashtra and Others

..Respondents

Mr.Balwant Salunkhe I/b S. D. Pandey, for the Applicant.

Mrs. Pushpalata N. Diwan, AGP, for Respondent Nos. 1 to 5.

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

DATE :- JULY 19, 2018.

P. C.:

Heard. By this Civil Application the Applicant is seeking to restore Writ Petition No.10500 of 2017 against Respondent No.6 which stood dismissed in view of the conditional order dated 25th January, 2018.

2 The learned counsel for the Applicant submits that it remained on his part to take appropriate steps for service on Respondent No.6. He submits that they already forwarded papers of the present Writ Petition to Respondent No.6 by RPAD on 16th July, 2018 but till today they have not received any acknowledgment. He submits that the Applicant undertakes to serve Respondent No.6 either by hand delivery

or by RPAD within four weeks from today. The statement is accepted.

3 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 serve Respondent No.6 afresh, we are satisfied that the Applicant has made out a case for allowing the Civil Application.

4 Hence, the following order:-

a) Writ Petition No.10500 of 2017 is restored on file against Respondent No.6.

b) Time to comply the order dated 25th January, 2018 passed by this Court in Writ Petition No.10500 of 2017 is extended till 31st August, 2018.

c) The Applicant to serve Respondent No.6 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 on or 31st August, 2018 failing which the Civil Application stand dismissed without further reference to Court.

d) Civil Application stands disposed of accordingly.

(B. P. COLABAWALLA, J.)

(K. K. TATED, J.)