

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2634 OF 2017
IN
WRIT PETITION NO.5371 OF 2015

Kumar Chhatrapati Jamdade

... Applicant

V/s.

State of Maharashtra & Ors.

... Respondents

Mr. Kuldeep U. Nikam, for the Applicants

None for Respondent No.6.

Mrs P. N. Diwan, AGP, for Respondent No.1.

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

DATED : MARCH 28, 2018

P.C. :

1 Heard. The learned counsel for the Applicant submits that the copies have already been served on Respondent No.6's advocate also. He undertakes to file affidavit of service within two weeks from today.

2 By this Civil Application, the Applicant is seeking to recall the order dated 1st July, 2017 by which Writ Petition stands dismissed against Respondent No.6 for non service. He submits that Respondent No.6 is already served and advocate Vaibhav R. Gaikwad filed his Vakalatnama. He further submits that the Applicant is ready and

willing to serve Respondent No.6 again by Private Notice within two weeks from today.

3 Considering the submissions made by the counsel for the Applicant and the averments in the Civil Application, we are satisfied that the Applicant has made out a case for allowing Civil Application.

a) The order dated 1st July, 2017 passed by this Court in Writ Petition No. 5371 of 2015 is recalled to the extent of dismissal of Writ Petition against Respondent No.6.

b) Writ Petition No.5371 of 2015 is restored on file for Respondent No.6.

c) The Applicant is permitted to serve Respondent No.6 by Private Notice either by RPAD and/or by hand delivery along with Writ Petition No.5371 of 2015 within three weeks from today and file affidavit of service to that effect. If affidavit of service is not filed within three weeks from today, the Civil Application shall stand dismissed.

d) The Civil Application stands disposed of accordingly.

(B. P. COLABAWALLA, J.)

(K.K. TATED, J.)