

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3574/2018
IN
CIVIL APPLICATION NO.1359/2018
IN
FIRST APPEAL (ST) NO.9488/2017

M/s. Poona Auto Works & Ors. ... Applicants

V/s.

Avinash Laxman Bhalerao & Ors. ... Respondents

Mr. Saurabh Butala I/b. Harshwardhan Salgaonkar for the
Applicants

**CORAM: K.K. TATED &
N. J. JAMADAR, JJ.**

DATED : OCTOBER 26, 2018

P.C. :

1 Heard. The learned counsel for the Applicant has filed Affidavit of Service dated 23.10.2018. He submits that Respondent Nos.4 and 5 are duly served. Respondent No.6 has refused to accept the service by hand delivery. These facts are stated by him in the Affidavit of Service. On the basis of the Affidavit of Service dated 23.10.2018, the Respondent Nos.4 to 6 are duly served.

2 By this Civil Application, the Applicant is seeking to set aside the conditional order dated 20.06.2018 by which the Civil Application No.1359/2018 and First Appeal (ST) No.9488/2017

stood dismissed for want of service against the unserved Respondents.

4 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Civil Application we are of the opinion that the Applicant has made out a case for allowing the Civil Application.

5 Hence, following order is passed.

- a. Delay in making the Civil Application is condoned.
- b. Order dated 20.06.2018 is set aside.
- c. Civil Application No.1359/2018 and First Appeal (ST) No.9488/2017 are restored to file for hearing on merits against Respondent Nos.4 to 6.
- d. The Petitioner to remove all office objections as per order dated 20.06.2018 on or before 15.12.2018.
- e. Civil Application stands disposed of accordingly. No order as to costs.

(N. J. JAMADAR, J.)

(K. K. TATED, J.)