

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.21 OF 2018

IN

FIRST APPEAL NO.95 OF 2016

Ravi Joshi Associates & Ors.] ... Applicants

Versus

Sahakar Kalyan Nidhi]
(Cooperative Welfare Fund Trust) & Ors.] ... Respondents

Mr. Sandeep M. Phatak for Applicant.
Mr. S. S. Kanetkar for Respondent No.1.

CORAM :- K. K. TATED &
SARANG V. KOTWAL, JJ.
DATE :- 11 JANUARY, 2018

P. C. :-

1. Heard the learned Counsel for the parties.
2. This Civil Application is preferred by the Plaintiff for restoration of the First Appeal and pending Civil Application against the Respondent No.8 which stood dismissed in view of the conditional order dated 17/04/2017 passed by the learned Registrar (Judicial-II).

3. The learned Counsel for the Applicants submits that the Applicants took some time to find out the present correct address of the Respondent No.8 and hence there is a delay in preferring the present Civil Application. He submits that in the interest of justice, this Court be pleased to condone the delay in preferring the Civil Application and for restoration of the First Appeal and pending Civil Application against the Respondent No.8.

4. Considering the submissions made by the learned Counsel for the Applicants and the averments made in the Civil Application, we are satisfied that the Applicants have made out case for allowing this Civil Application. Hence, the following Order :

ORDER

- (I) The Order dated 17/04/2017 passed by the Registrar (Judicial-II) is set aside.
- (ii) First Appeal as well as the Civil Application stand restored against the Respondent No.8.
- (iii) Registry is directed to issue fresh notice to the Respondent No.8 in First Appeal as well as the pending Civil Application on his present correct address as stated in paragraph 5 of the Civil Application, returnable after eight weeks.
- (iv) In addition to the usual mode of service, the Applicants are directed to serve the Respondent No.8 on his present correct address as stated in paragraph 5 of the Civil Application, for First

Appeal as well as the pending Civil Application along copy of the proceeding and Affidavit of service to that effect, within eight weeks from today.

- (v) Civil Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

(K. K. TATED, J.)