

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1528 OF 2016
IN
FIRST APPEAL NO. 385 OF 2013

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr. Ramdas Shelke for the Applicant.
Mr. Ketan Joshi for the Respondent No.2.

CORAM: K.K.TATED, J.
DATED : 16.09.2019

P.C.

- 1 Heard learned Counsel for the parties.
- 2 By this Civil Application, the Applicant is seeking to set aside the order dated 17.04.2015 passed by the learned Registrar (Judicial-II) by which First Appeal No. 385 of 2013 stands dismissed against the Respondent No.1 for want of service.
- 3 Applicant is also seeking permission to serve the Respondent No.1 by substitute service as per Order V Rule 20 of the Code of Civil Procedure, 1908.
- 4 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Civil Application, I am satisfied that the Applicant has made

out a case for allowing the Civil Application.

5 Hence, following order is passed:

a) Order dated 17.04.2015 passed by the learned Registrar (Judicial-II), is set aside.

b) First Appeal No. 385 of 2013 is restored on file against Respondent No.1.

c) Applicant is permitted to serve the Respondent No.1 by substitute service as per Order V Rule 20 of the Code of Civil Procedure, 1908 by publishing notice in two local newspapers and file affidavit of service to that effect on or before 30.11.2019, failing which the First Appeal shall stand dismissed without further reference to the court

d) The Civil Application stands disposed of accordingly.

e) No order as to costs.

(K.K.TATED, J.)