

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.732 OF 2014
IN
SECOND APPEAL NO.199 OF 1996**

Shri Ramchandra Rajaram Bakare
(through his LR.s.) & Ors.

...Applicants

V/s.

Shri Manohar Laxman Mithari
(through his Lrs.)

...Respondents

....

Ms. Akanksha Helaskar I/b A. M. Kulkarni, advocate for
applicants.

None for the respondents.

....

CORAM : M.S.KARNIK, J.

DATE : 7th JUNE, 2019

P.C. :

1. This is an application for setting aside the order dtd.25/04/2011 passed by the Registrar (Judicial) for not taking steps against the unserved respondent No. 1b.
2. For the reasons mentioned in the application, the delay of 106 days in filing the application deserves to be condoned.
3. Further the reasons mentioned in the application, the present application is allowed. The order dtd.25/04/2011

passed by the Registrar (Judicial) is set aside.

4. Civil Application No.229 of 2010 stands restored as against respondent respondent No.1b.

5. The application is allowed in terms of the prayer clauses (b), (c) and (d).

6. The appellants to take steps to serve the respondent No.1b within a period of three weeks from today.

7. Civil Application No. 732 of 2014 is disposed of accordingly.

8. List the Second Appeal No.199 of 1996 alongwith Civil Application Nos.1308 of 2006, 1307 of 2006 and 229 of 2010 on 28/06/2019.

(M.S.KARNIK, J.)