

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2308 OF 2018
IN
WRIT PETITION NO.6463 OF 2016**

Shri. Salim Abbas Khatib .. Applicant

Versus

Sumitra Gramin Bigarsheti Sahakari
Patsanstha Maryadit, Akaluj & Ors. .. Respondents

Mr. S.S. Aradhya for the applicant.

Mr. Virendra Pethe for respondent Nos. 2 and 3.

CORAM : K.K. TATED, J.

DATE : 20 FEBRUARY 2019.

P.C:-

. Heard learned Counsel for parties.

2. By this civil application, applicant is seeking to set aside the conditional order dated 06.06.2017 passed by learned Registrar (Judicial-I) by which the writ petition stands dismissed against unserved respondent No.3.

3. Advocate Mr. Virendra Pethe submits that he received instructions to appear on behalf of respondent Nos. 2 and 3 in Writ Petition No.6463 of 2016. He undertakes to file Vakalatnama on behalf of respondent Nos. 2 and 3 in Writ Petition itself. Same is accepted. He further submits that he don't have any objection, if this civil application is allowed.

4. Considering the submissions made by learned Counsel for the applicant, avernments made in civil application and as the advocate Mr. Virendra Pethe appearing on behalf of respondent Nos. 2 and 3 has no objection, following order is passed :

- a) Order dated 06.06.2017 passed by learned Registrar (Judicial-I) is set aside.
- b) Writ petition No.6463 of 2016 is restored against respondent No.3 for hearing on its own merits.
- c) Liberty granted to advocate Mr. Virendra Pethe to file Vakalatnama on behalf of respondent Nos. 2 and 3 in writ petition No.6463 of 2016 on or before 22.03.2019.
- d) Civil Application stands disposed of accordingly.
- e) No order as to costs.

(K.K.TATED, J.)