

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

**CIVIL APPLICATION NO.39 OF 2019
IN
CIVIL APPLICATION NO.186 OF 2018
IN
CIVIL REVISION APPLICATION (ST.) NO.28095 OF 2017**

Suresh Vasudev Raut .. Applicant

V/s.

Shakuntala Narayan Gaikwad .. Respondent

Ms.Yogita Deshmukh – Chitnis for the applicant

Mr.C.S.Joshi for the respondent nos.1 to 20

Ms.Aditi M. Athavale for the respondent nos.22 to 24 and 39

**CORAM: K.K. TATED, J
DATED : MARCH 1, 2019**

P.C. :

1 Heard.

2 By this Civil Application, applicant is seeking to set aside the order dated 22.11.2013 passed by learned Registrar (Judicial-II) in Civil Application No.186 of 2018 by which matter stands dismissed for respondent nos.22 to 24, 27 to 32, 35 to 39.

3 The learned counsel for the applicant submits that

respondent nos.22 to 24 and 39 are duly served. He submits that Advocate Ms.Aditi M. Athavale has filed her Vakalatnama on behalf of them in the present proceeding.

4 The learned counsel for the applicant submits that applicant already filed Civil Application for service on remaining respondents. She submits that in the interest of justice, this Hon'ble Court be pleased to set aside the order dated 22.10.2018 passed by learned Registrar (Judicial-II) and restore Civil Application No.186 of 2018 against respondent nos.22 to 24, 27 to 32 and 35 to 39.

5 Considering the submissions made by the learned counsel for the applicant, averments made in Civil Application and as applicant has already taken out appropriate Civil Application for remaining respondents and advocate filed her Vakalatnama on behalf of respondent nos.22 to 34 and 39, I am satisfied that applicant has made out a case for allowing Civil Application. Hence, following order is passed:

- a. Delay in filing Civil Application is condoned.
- b. Order dated 22.10.2018 passed by learned Registrar (Judicial - II) in Civil Application No.186 of 2018 is set aside.
- c. Civil Application No.186 of 2018 is restored against Respondent Nos.22 to 24, 27 to 32 and 35 to 39 for hearing on its own merits.

- d. Civil Application stands disposed of accordingly.

(K.K. TATED, J.)