

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

**CIVIL APPLICATION NO. 2321 OF 2019
IN
FIRST APPEAL NO. 354 OF 2013**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
---	----------------------------

Mr. Rahul Kadam for the Applicant.
Mr. H. G. Misar for Respondent No.3.

**CORAM: K.K.TATED, J.
DATED : SEPTEMBER 24, 2019**

PC.

1 Heard learned Counsel for the parties.

2 By this Civil Application, the Applicant is seeking to set aside the conditional order dated 04/12/2014 passed by the Learned Registrar (Judicial-II) by which First Appeal No. 354/2013 stand dismissed against Respondent No.2 for want of taking appropriate steps.

3. The Learned Counsel for the Applicant submits that, in the interest of justice, this Hon'ble Court be pleased to set aside the conditional order dated 04/12/2014 passed by the Learned Registrar (Judicial -II) and permitting the Applicant to serve

Respondent No.2 by substituted service as per Order 5 Rule 20 of the CPC.

4. Considering the submission made by the learned counsel for the Applicant and the averments made in Civil Application, I am satisfied that the Applicant has made out a case for allowing this Civil Application. Hence, the following order:

- a. Delay in filing the First Appeal is condoned.
- b. The order dated 04/12/2014 passed by the Learned Registrar (Judicial-II) is set aside.
- c. First Appeal No. 354/2013 is restored on file for hearing on its own merits.
- d. The Applicant is permitted to serve the Respondent No.2 by substituted service as per Order 5 Rule 20 of the CPC by publishing in newspaper.
- e. The Applicant to file affidavit of service on or before 20/12/2019, failing which Civil Application shall dismissed without further reference to the Court.
- f. Civil Application stands disposed of accordingly.
- g. No order as to costs.

(K.K.TATED, J.)