

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application (ST) No. 9644/2019
in
First Appeal (ST) No. 590/2018

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
Mr. N. R. Bubna for the Applicant	

CORAM : K.K.TATED, J.
DATED : APRIL 22, 2019

P.C.

Heard. This Application is for condonation of 54 days delay in filing the Civil Application to set aside the order dated 25.01.2019 passed by the learned Registrar (Judicial-II) by which the First Appeal stood dismissed for non removal of office objections.

2 The learned counsel for the Applicant submits that it remained on their part to take appropriate steps for service on Respondent Nos.1 to 3. The learned counsel for the Applicant undertakes to serve Respondents by private notice either by RPAD and/or by hand delivery and to file an Affidavit of service to that effect within six

weeks from today. The undertaking is accepted.

3 Considering the submissions made by the learned counsel for the Applicant and as the Applicant undertakes to serve the Respondent Nos.1 to 3, I am satisfied that the Applicant has made out a case for allowing the present Civil Application.

4 Hence, the following order:

a) Delay in filing the Civil Application is condoned.

b) Order dated 25.01.2019 passed by the learned Registrar (Judicial-II) is set aside.

c) The First Appeal is restored against Respondent nos.1 to 3 for hearing on merits.

d) The Applicant is permitted to serve the Respondent Nos.1 to 3 along with entire proceedings by way of private notice either by RPAD and/or by hand delivery and to file an Affidavit of service to that effect within six weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.

e) If Affidavit of service is filed within stipulated time as stated hereinabove, office to place the First Appeal on board after eight weeks, for directions.

f) Civil application stands disposed off accordingly.

g) No order as to costs.

(K.K.TATED, J.)