

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL APPLICATION NO.1055 OF 2019****IN****WRIT PETITION NO. 9828 OF 2018**

Hemchandra Madhukar Shaligram & Ors.Applicants.

IN THE MATTER BETWEEN-

Hemchandra Madhukar Shaligram & Ors.Petitioners.

Vs.

Sonal Sanjeeva Shetty & Ors.Respondents.

Mr. Shoaib Memon for the Applicants/Petitioners.

Smt. Priya A.H.H. Ponda for Respondent No.1.

Mr. S.L. Babar, AGP for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 27th JUNE, 2019.

P.C.:-

This is an Application for restoration of Writ Petition *qua* Respondent Nos. 2 and 3.

2 By a conditional Order dated 7th February, 2019, Writ Petition was dismissed *qua* the Respondent Nos. 2 and 3, for not effecting service on them within the stipulated period mentioned therein.

There is a delay of 47 days in filing the present

Application.

The learned counsel for the Respondent No.1, vehemently opposed the Application. However, for the reasons stated in the Application and in the interest of justice, the delay is condoned.

3 The learned counsel for the Petitioners submitted that, the Respondent No.3 now ceases to hold the office as Administrator of the said Society and has been impleaded herein as a formal party.

In view thereof, the service upon the Respondent No.3 is waived.

4 The Respondent No.1 submitted that, the Petitioners are the office bearers of the Respondent No.2-Society and they can waive notice on behalf of the Respondent No.2-Society.

5 In view thereof, the Petitioners are directed to take appropriate steps to effect service upon the Respondent No.2-Society within a period of one week from today by all possible modes and to file an affidavit of service in that behalf within the same stipulated period.

The Petition *qua* Respondent Nos. 2 and 3 is restored.

Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)