

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

**CIVIL APPLICATION NO.3144 OF 2016
IN
FIRST APPEAL (ST.) NO.23309 OF 2013**

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

Ms.Neeta Masurkar for the applicant

**CORAM : K. K. TATED, J
DATE : AUGUST 14, 2019**

P.C.:

. Heard.

2 The learned counsel for the Applicant submits that by this Civil Application, they are seeking to set aside the order dated 16.1.2015 passed by learned Registrar (Judicial-II) by which Civil Application No.1131 of 2014 in First Appeal (St.)No.23309 of 2013 stands dismissed against unserved Respondent nos.2 to 5.

3 The learned counsel for the Applicant

submits that as per her instruction, Respondent nos.3 and 4 are no more. They expired. She further submits that they already served Respondent nos.2 and 5 in Civil Application No.1131 of 2014 and First Appeal (St.) No.23309 of 2013.

4 The learned counsel for the Applicant submits that, it remained on their part to remove office objections within time. She submits that, as all the Respondents are duly served, this Hon'ble court be pleased to restore Civil Application as well as First Appeal on file, against Respondent nos.2 to 5. She submits that they have good chance of success in the present matter. She submits that if Civil Application is not allowed, irreparable loss will be caused to them.

5 Considering the submissions made by the learned counsel for the Applicant, the averments made in Civil Application and as Respondent nos.3 and 4 expired and Applicant already served Respondent nos.2 and 5, I am satisfied that the Applicant has made out a case for allowing the Civil Application. Hence, following order is passed:

- a. Registry is directed to verify whether Respondent nos.2 and 5 are duly served in

Civil Application No.1131 of 2014 and First Appeal (St.) No.23309 of 2013 and if it is not served, Application shall stand dismissed against these two Respondents without referring back to the court.

- b. Order dated 16.1.2015 passed by learned Registrar (Judicial-II) is set aside.
- c. Civil Application No.1131 of 2014 in First Appeal (St.) No.23309 of 2013 is restored on file for hearing and final disposal against all the Respondents.
- d. Civil Application stands disposed of accordingly.
- e. No order as to costs.

(K.K.TATED, J.)