

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.182/2018
IN
CIVIL APPLICATION NO.575/2016
IN
CIVIL REVISION APPLICATION NO.396/2013

Abdul Hamid Hamdare ... Applicant

V/s.

Shairaz Akabarali Shaikh & Anr. ... Respondents

Mr. ajit S. Karwande for the Applicant

CORAM: K.K. TATED, J.

DATED : JANUARY 3, 2019

P.C. :

1 Heard. By this Civil Application, the Applicant is seeking to recall the order dated 05.04.2018 passed by the learned Registrar (Judicial-II) by which the Civil Application No.575/2016 stood dismissed against Respondent No.1.

2 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application.

3 Hence, the following order:

A. The Civil Application is allowed in terms of prayer clauses (a) to (c) which read thus:

(a) The order of Hon'ble Registrar (Judicial-II) dated 05.04.2018 annexed as A to the Civil Application be quashed and set aside by condoning the delay of 46 days.

(b) The Applicant be allowed to amend the address of the Respondent No.1 in Civil Application No.575/2016 in Civil Revision Application No.396/2013, by correcting the address of the Respondent No.1 as stated in paragraph 4 of the Application.

(c) The Applicant be allowed to serve the Respondent No.1, personally so as through the office of the Hon'ble Court."

B. The Applicant to take appropriate steps to serve Respondent No.1, on or before 31.01.2019 and file an Affidavit of service to that effect, failing which the Civil Application shall stand dismissed without further reference to the court.

C. Civil application stands disposed off accordingly.

D. No order as to costs.

(K. K. TATED, J.)