

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

**CIVIL APPLICATION NO.392 OF 2017
IN
CIVIL REVISION APPLICATION NO.352 OF 2016**

Sindhu Namkaran Aware .. Applicant

V/s.

Radhakisan Laxmanrao Bombale and Ors. .. Respondents

Mr.Sachin Gite for the applicant

Mr.Akshay S. Deshpande I/b Mr.Sagar Kasar for the respondent
no.3

**CORAM: K.K. TATED, J
DATED : MARCH 1, 2019**

P.C. :

1 Heard.

2 Though Respondent no.2 is duly served no one appeared on
behalf of them when the matter was called out.

3 By this Civil Application Applicant is seeking to set aside
the order dated 05.01.2017 passed by learned Registrar
(Judicial-II) by which Civil Revision Application stands
dismissed against Respondent no.2 for want of service.

4 The learned counsel for the Applicant submits that inadvertently it remained on the part of Applicant to take appropriate steps for service on Respondent no.2. He submits that in the interest of Justice this Hon'ble Court be pleased to allow the present Civil Application and restore Civil Revision Application No.352 of 2016 on file for hearing on its own merits.

5 Considering the submissions made by the learned counsel for the Applicant, the averments made in the Application and as inspite of service no one appeared on behalf of Respondent no.2, I am satisfied that the Applicant has made out a case for allowing the present Civil Revision Application. Hence, following order:

- a) Order dated 05.01.2017 passed by learned Registrar (Judicial-II) is set aside.
- b) Civil Revision Application No.352 of 2016 is restored on file for hearing on its own merits including Respondent no.2.
- c) Registry is directed to issue fresh notice to Respondent no.2 in Civil Revision Application No.352 of 2016, returnable on 21.06.2019.
- d) In addition to usual mode of service, Applicant is permitted to serve Respondents in Civil Revision Application No.352 of 2016 along with entire proceedings by private notice either by registered post A.D. and/or by hand delivery and file Affidavit of Service to that effect on or before the next date.

- e) Civil application stands disposed off accordingly.
- f) Civil Revision Application No.352 of 2016 to appear on board on 21.06.2019 for orders.

(K.K. TATED, J.)