

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

**CIVIL APPLICATION (ST.) NO.18302 OF 2019
IN
FIRST APPEAL (ST.) NO.21705 OF 2015**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.Sandeep S. Jinsiwale for the applicant

Mr.Manaswi Agarwal for the respondent no.1

**CORAM : K. K. TATED, J
DATE : JULY 1, 2019**

P.C.:

. Not on board. At the request of Advocate for the Applicant, matter is taken on board for urgent orders.

2 Heard.

3 By this Civil Application, Applicant is seeking to set aside the order dated 29.08.2016 passed by learned Registrar (Judicial-II) by which matter stands dismissed against Respondent no.2 for want of service.

4 The learned counsel for the Applicant

submits that they tried to find out the present correct address of Respondent no.2 but nobody has informed them about the same. He submits that Applicant may be permitted to serve Respondent no.2 by substitute service as per Order V Rule 20 of the Code of Civil Procedure, 1908.

5 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. Hence, the following order:

A) Civil Application is allowed in terms of prayer clause (a), (b) and (c) which read thus:

“(a) That this Hon’ble Court be pleased to condone the delay of 2 years 266 days in filing this Application.

(b) That this Hon’ble Court be pleased to set aside the order dated 29.08.2016 passed by the Registrar in the aforesaid Civil Application No.387 of 2015 and 3878 of 2015 and said Civil Application be restored against Respondent no.2.

(c) This Hon'ble Court be pleased to permit the Applicants/Appellants to serve the notices of the Appeal and Civil Application on the Respondent no.2 by publication of the notice in the two news papers."

B) Applicant to complete the service as per Order V Rule 20 of the Code of Civil Procedure, 1908 by publishing in two newspapers on or before 31.08.2019 and file 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.)