

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

**CIVIL APPLICATION NO.2743 OF 2017
IN
WRIT PETITION NO.1650 OF 2016**

Ms.Lilabai, wife of Shantilal Bafna and Ors. .. Petitioners

V/s.

Ramesh Mohanlal Chordia and Ors. .. Respondents

Mr.Sachin Khandagale I/b M/s.Ram and Co. for the applicant

Mr.Ketan Dhavale I/b Mr.A.A.Dhavale for the respondent nos.2A
to 2F

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

P.C. :

1 Heard.

2 By this Civil Application, Applicant is seeking to set aside the order dated 04.01.2019 passed by learned Registrar (Judicial-I) by which Writ Petition No.1650 of 2016 stands dismissed against unserved Respondent no.1.

3 The learned counsel for the Applicant submits that inadvertently it remained on the part of Applicant to take

appropriate steps for service against Respondent no.1. The learned counsel for the applicant undertakes to take steps against unserved respondents within four weeks from today. He further submits that if time is not extended, irreparable loss will be caused to them. He submits that they have good chance of success in the matter.

4 Considering the submissions made by the learned counsel for the Applicant, the averments made in the Application and as Applicant undertakes to take appropriate steps against unserved Respondent no.1 within four weeks from today, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order:

- a) Delay in filing Civil Application is condoned.
- b) Order dated 04.01.2019 passed by learned Registrar (Judicial-I) is set aside.
- c) Writ Petition No.1650 of 2016 is restored against Respondent no.1.
- d) Applicant to take appropriate steps for service on Respondent no.1 within four weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.
- e) Applicant is permitted to serve the Respondent no.1 along

with entire proceedings in Writ Petition No.1650 of 2016 by way of private notice either by RPAD and/or by hand delivery and to file an Affidavit of service to that effect within four weeks from today.

f) Civil application stands disposed off accordingly.

(K.K. TATED, J.)