

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

**CIVIL APPLICATION NO.87 OF 2017
IN
CIVIL REVISION APPLICATION NO.837 OF 2011**

Eknath Balibhim Jadhav and Ors. .. Applicants

V/s.

Shailesh Surendra Varvadkar and Ors. .. Respondents

Mr.Samir A. Kumbhakoni for the applicants

Mrs.Asmita Jaiswal for the respondent no.1 and 2

**CORAM: K.K. TATED, J
DATED : JANUARY 9, 2019**

P.C. :

1 Heard.

2 By this Civil Application, Applicant is seeking to set aside the order dated 25.08.2016 passed by Registrar (Judicial-II) by which the Civil Revision Application No. 837 of 2011 stand dismissed for non-removal of office objections.

3 The learned counsel for the Applicant submits that it remained on their part to supply copies of memo for service. He submits that Applicant undertakes to remove all office objections on 31.01.2019. He submits that in the interest of justice, this Hon'ble Court be pleased to set aside the order dated 25.08.2016

and restore Civil Revision Application on file for hearing on its own merits.

4 Considering the submissions made by the learned counsel for the Applicant, the averments made in the Application and as Applicant is ready and willing to remove all office objections on or before 31.01.2019, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence following order:

- a) Order dated 25.08.2016 passed by Registrar (Judicial-II) is set aside.
- b) Civil Revision Application No. 837 of 2011 is restored on file for hearing on its own merits.
- c) Applicant to remove all office objections on or before 31.01.2019 failing which the Civil Application shall stand dismissed without further reference to the court.
- d) In addition to usual mode of service, applicant is permitted to serve unserved Respondents in Civil Revision Application No.837 of 2011 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 within 12 weeks from today.
- e) The learned counsel for the Respondent nos.1 and 2 waives service in Civil Revision Application No. 837 of 2011.

- f) Civil application stands disposed off accordingly.
- g) No order as to costs.

(K.K. TATED, J.)