

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
Civil Application No.2306/2019

in

First Appeal No.1232/2017

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders

Court's or Judge's orders.

Mr. S. M. Dange for the Applicant

Mr. Bharat Gadhavi for the Respondent

CORAM: K.K.TATED, J.

DATED : AUGUST 13, 2019

P.C.

1 Heard. By this Civil Application, the Applicant is seeking restoration of the First Appeal No.1232/2017 with Civil Application No.3486/2017 against Respondent No.2 which stood dismissed in view of conditional order dated 29.08.2018 passed by the learned Registrar (Judicial-II).

2 The learned counsel for the Applicant submits that they tried to find out the present correct address of Respondent No.2. He submits that the Applicant may be permitted to serve Respondent No.2 by substitute service as per Order 5 Rule 20 of the Code of Civil Procedure, 1908.

3 Considering the submissions made by the learned counsel for the Applicant

and the averments made in the Civil Application, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

4 Hence, following order is passed:

a. Delay in filing the Civil Application is condoned.

b. Order dated 29.08.2018 is set aside.

c. The First Appeal with Civil Application No.3486/2017 is restored to file against Respondent No.2.

d. The Applicant is permitted to serve Respondent No.2 by substitute service under Order 5 Rule 20 of the Code of Civil Procedure, 1908 by publishing in two leading newspapers on or before 30.09.2019, failing which the Civil Application shall stand dismissed without further reference to the court.

e. The Civil Application stands disposed of accordingly.

f. No order as to costs.

(K.K.TATED, J.)