

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.257 OF 2016
IN
FIRST APPEAL NO.375 OF 2013**

Shri. Kantilal Hastimal Bafna and Ors. .. Applicants

Versus

Mr. Dattatray Maruti Dongre and Anr. .. Respondents

Mr. R.S. Tanna for applicants.

CORAM : K.K. TATED, J.

DATE : 11 MARCH 2019.

P.C:-

. Heard learned Counsel for parties.

2. By this civil application, applicants are seeking to restore the first appeal No.375 of 2013 against respondent No.1, which stands dismissed in view of conditional order dated 23.09.2013 passed by the learned Registrar (Judicial-II) for non removal of office objections.

3. The learned Counsel for the applicants submit that inadvertently it remain on the part of the applicant to take appropriate steps for service on respondent No.1. He submits that

he received instructions from his client that they are ready and willing to take steps for service on respondent No.1 within four weeks from today. Statement is accepted.

4. Considering the submissions made by learned Counsel for the applicant, averments made in civil application and as the applicants are ready and willing to take steps for service on respondent No.1, I satisfied that the applicants have made out case for allowing this civil application. Hence, following order :-

- a) Order dated 23.09.2013 passed by the learned Registrar (Judicial-II) is set aside.
- b) First Appeal No.375 of 2013 is restored against respondent No.1.
- c) Applicants to take steps for service on respondent No.1 within four weeks, failing which civil application shall stand dismissed without reference to the Court.
- d) Civil application stands disposed of accordingly.
- e) No order as to costs.

(K.K. TATED, J.)