

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.234/2018
IN
CIVIL REVISION APPLICATION NO.588/2016

Ganesh Khandu Kashid & Ors. ... Applicants

V/s.

Khandu Baban Kashid & Ors. ... Respondents

Mr. Mriganka Kundu for the Applicants

CORAM: K.K. TATED, J.

DATED : JANUARY 14, 2019

P.C. :

1 Heard. The learned counsel for the Applicant submits that for want of compliance of order dated 06.10.2017, the Civil Revision Application stood dismissed along with Civil Application 714/2016. He submits that this court, by order dated 06.10.2017 directed the Applicant to furnish spare copies on or before 13.10.2017 for issuing notice to other side. He submits through oversight, it remained on their part to comply with the order dated 06.10.2017. He submits that the Applicant has good chance of success in the matter. He submits that in the interest of justice, this Hon'ble Court be pleased to recall the conditional order dated 06.10.2017 and restore the matter to file for hearing on merits. He submits that the Applicant is ready and willing to remove all office objections on or before 08.02.2019.

2 Considering the submissions made by the learned counsel for the Applicant and because of mistake on the part of the Advocate, a litigant should not suffer, I am satisfied that the Applicant has made out a case for grant of extension of time to comply with the order dated 06.10.2017.

3 Hence, following order is passed :

a. Civil Revision Application No.588/2016 and Civil Application no.714/2016 are restored to file for hearing on merits.

b. The Applicant to furnish spare copies of both the matters in the Registry on or before 31.01.2019, failing which the Civil Application shall stand dismissed without further reference to the court.

c. If spare copies are furnished in the Registry, the Registry is directed to issue notice to the Respondent in Civil Application No.714/2016 and Civil Revision Application returnable on 30.04.2019.

d. In addition to usual mode of service, the Applicant is permitted to serve the unserved Respondents along with entire proceedings either by hand delivery and/or by registered post and file an Affidavit of service to that effect on or before 26.0.2019.

e. The Applicant to pay costs of Rs.1500/-.

f. Costs shall be paid in the office of the Kirtikar Law Library, High Court, Mumbai on or before 31.01.2019 and place on record receipt to that effect, failing which the Civil Application shall stand dismissed without further reference to the court.

g. Civil Application stands disposed of accordingly.

(K. K. TATED, J.)