

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

**CIVIL APPLICATION NO. 215 OF 2020
IN
REJECTED CASE NO. 2017 OF 2017**

The General Manager Best Undertaking	...Petitioner
Versus	
Mrs. Sayamma Yellappa Kallemul And Ors.	...Respondents

Hemal i/b. Navdeep Vora Associates for appellant.

CORAM: RAJESH S. PATIL, J

DATED: 20th March, 2023

PC:-

1. This application is filed for restoration of first appeal, filed by BEST Undertaking.
2. By order dated 30th March 2015, passed by Registrar Judicial-II (Appellate Side), four weeks time was granted to the appellant to serve the unserved respondent. However, the appellant was not able to serve the respondent nos. 4 and 5. By order dated 27th April 2015, passed by Judicial-II eight weeks time was granted to the appellant to take steps to serve the unserved respondent i.e. respondent nos. 4 and 5, the said order was

conditional order. Advocate for the appellants state that he had already filed civil application no. 300 of 2019 for praying therein to allow to serve the unserved respondent nos. 4 and 5 by paper publication.

3. The advocate for the appellants further states that since the order dated 27th April 2015 was a conditional order, the office treated as first appeal is dismissed. Hence, by order dated 15th February 2020 in civil application No. 300 of 2019 praying for paper publication was also rejected.

4. I have gone through the contents of civil application and I am satisfied that the case is made out for restoration. The advocate for the appellants state that if the present application is allowed he would be ready to argue the first appeal and filed compilation of documents of all lower court proceeding within a period of four weeks from today.

5. Civil application is allowed in terms of prayer clauses (a) to (g).

6. Civil application is accordingly disposed.

7. The advocate for the appellant is permitted to compliance of documents within a period from four weeks from today and serve the same on the other side and file affidavit of service to that effect.

8. The matter to come up after six weeks.

(RAJESH S. PATIL,J.)