

Pallavi

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

**INTERIM APPLICATION NO.9 OF 2023
IN
SECOND APPEAL NO.593 OF 2015**

Shri Deepak Maruti Surve and Anr. ... Applicants
In the matter between
Shri Deepak Maruti Surve and Anr. ... Appellants
Versus
Shri Hemant Kumar Gopinath Haldavanekar and Ors. ... Respondents

Mr. S.P. Shetye, for the Appellants/Applicants.

**CORAM : MADHAV J. JAMDAR, J.
DATED : 10th JANUARY 2023**

P.C. :

1. Heard learned counsel appearing for the Applicants.
2. This Interim Application is taken out for restoration of Second Appeal to its original file. The said Second Appeal has been dismissed against un-served Respondents by order dated 20th June 2022 passed by the learned Registrar (Judicial-II).
3. The Second Appeal was dismissed by conditional order of learned Registrar (Judicial-II), by which four weeks time was granted to serve the un-served Respondents, failing which the registration of

Pallavi

the Second Appeal was refused.

4. Learned counsel appearing for the Applicants states that the Second Appeal is not yet admitted.

5. Applicants to serve the un-served Respondents within a period of six weeks and file affidavit of service before the next date.

6. In view of above, the Interim Application is allowed in terms of prayer clauses (a) and (b) by setting aside the order dated 20th June 2022 passed by the learned Registrar (Judicial-II).

7. The Interim Application is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]