

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

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**INTERIM APPLICATION NO. 30531 OF 2022
IN
FIRST APPEAL NO. 659 OF 2019**

Devchand Hemraj Gala and Ors.

....Applicant

V/s.

Salinderkaur Harminder Ratol and Ors.

...Respondents

Ms. Amrin Khan i/b Mr. A.M. Gokhale for Applicant/Appellant.

**CORAM : K.R. SHRIRAM &
RAJESH S. PATIL, JJ.
DATED : 17th JANUARY 2023**

PC. :

1. The application is for restoration of the appeal that came to be dismissed as against Respondent No.1 by a self operating order dated 20th October 2022 passed by the Registrar, Judicial-II. Appellant had been given two weeks time to serve, unserved Respondent No.1. It is applicant's case that the order itself came to be uploaded on 2nd December 2022 by which time two weeks period had expired and hence appellant could not comply with the directions given in the order. Ms. Khan states that even earlier when an attempt to serve Respondent No.1 was made the service could not be completed since the door was found to be locked and on enquiry with neighbour the bailiff was informed that Respondent No.1 had gone to London and his date of return was not known. Copy of notice was also pasted on the door. Ms. Khan states the bailiff had attempted to serve

Respondent No.1 sometime on 8th February 2021. Almost two years have since passed.

2. We restore the appeal on the undertaking given by Ms. Khan that Respondent No.1 will be served within two weeks from today. It is made clear that if the service is not effected within two weeks period the appeal will get dismissed as against Respondent No.1 without further reference to this court.

3. Interim Application disposed.

(RAJESH S. PATIL, J.)

(K.R. SHRIRAM, J.)