



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

MISC. CIVIL APPLICATION (RESTO) NO.61 OF 2020

IN

SECOND APPEAL NO.170 OF 2009 (D)

[Rajesh Ghansham Rathi..Vs.. Ramkumar Gupta and Ors.]

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr M. G. Sarda Advocate for Applicant/Appellant.

CORAM : M. W. CHANDWANI, J.

DATE : 16th JULY, 2024.

. Heard.

2. Learned counsel for applicant/appellant submits that service to respondent No.3 is already effected, who is one of the partner of respondent No.1. Therefore, service of respondent No.3 is dully served on respondent No.1. Hence, the order of dismissal on application against respondent No.1 is set aside. Whereas, the appeal as well as application against respondent No.2 is abated.

3. In view of the statement of fact mentioned in affidavit of the counsel which remained un-controverted, the application is allowed. The appeal is restored to the file.

4. The civil application stands disposed of accordingly.

SECOND APPEAL NO.170 OF 2009

5. Issue notice to the respondent Nos.1, 3 and 5, returnable within two weeks.

JUDGE

TAMBE