IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.17250 OF 2022
IN
CIVIL APPLICATION NO.2613 OF 2018
IN
FIRST APPEAL ST NO.7474 OF 2018

BASAVRAJ GURAPPA PATIL
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Date: 2026.07.20 11:37:24 +0530

Food Corporation of India .. Applicant/ Appellant

Vs.

MAFCO Ltd. & Anr. .. Respondents

...

Mr.Hafeezur Rahman for the Applicant
Mr. Akshay J. Kandarkar i/b. Rajesh S. Datar for Respondent No.1

CORAM : ARIF S DOCTOR, J.
DATE : 17th JULY, 2026

P.C. :

The Civil Application seeks to set aside/recall the order dated 4th November 2019 by which the Registrar (Judicial-II) had granted the Applicant four weeks' time to serve Respondent No.2 failing which the Civil Application would stand dismissed against Respondent No.2.

2. Heard Mr.Rahaman for the Applicant. He submits that since the address of Respondent No.2 was unavailable service could not be completed. He points out that the packet was returned unserved. He, thus, seeks a further opportunity to serve Respondent No.2. For this purpose, Civil Application No.2613 of 2018 would have to be restored.

3. Having heard Mr. Kandarkar and having perused the Civil Application, in my view, the substantial justice would best be served if the Civil Application is accordingly restored and the Applicant is given one more opportunity to serve Respondent No.2. No prejudice would be caused to Respondent No.2 since all rights and contentions of Respondent No.2 will be kept open to be decided on the merits of the Civil Application, if served.

4. Hence, the Interim Application is allowed in terms of prayer clause (a) which reads thus:

> "(a) This Hon'ble Court be pleased to pass necessary order by setting aside and/or recall the conditional order dated 4th Nov. 2019 of dismissal of above noted civil application against the Respondent No.2 and also extend the time to take steps for service on the Respondent No.2 by further four weeks".

5. Post the First Appeal on board on 14th August 2026.

[ARIF S DOCTOR, J.]