

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**Civil Application No. 5387 of 2009
In
Second Appeal Stamp No.9299 of 2009**

Dhondiba Shetiba Jondhale. **.. Applicant.**

Versus

Tulshiram Subhana & Another. **.. Respondents.**

Shri. Vivek Bhavthankar, Advocate, for applicant.

Shri. A.M. Gaikwad, Advocate, for respondent No.2.

CORAM: T.V. NALAWADE, J.

DATE : 21 AUGUST 2015

ORDER:

1) The application is filed for condonation of delay of 23 days caused in filing Second Appeal. Heard both sides.

2) Seen the judgments delivered by the trial Court and the Appellate Court. As steps were not taken for service of notice on respondent No.1 the appeal stood dismissed as against respondent No.1. The relief as

against respondent No.2 Vithal is separate and in view of these circumstances the proceeding can be considered as against Vithal separately. In view of the contentions made in the application and the submissions made the application is allowed. Delay is condoned.

3) Notice in second appeal. It is waived by learned counsel for respondent No.2 Vithal. Call record and proceedings from the trial Court and also from the First Appellate Court. Stand over to 25th September 2015.

(T.V. NALAWADE, J.)

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