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

CIVIL APPLICATION NO. 12658 OF 2013
IN SA/765/2012

MANOHAR SAMPAT BAVASKAR
VERSUS
GANGADHAR SAMPAT BAVASKAR AND ORS

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Advocate for Applicant : Mr.Nagori Girish.

Advocate for Respondents : Mr.M.K. Goyanka and Mr.Manoj Shinde for
R/1.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 09th April, 2015

Per Court:

1 Second Appeal No.765/2012 was dismissed as against the unserved Respondent Nos.3 and 4 since the Appellant/ Applicant failed to take steps.

2 The learned Advocate for the Applicant submits that he has collected the addresses of the Respondent Nos.3 and 4 as are mentioned in the cause title of this Civil Application. The delay of 512 days be condoned and the Second Appeal be restored as against the Respondent Nos.3 and 4. The notices can be issued to the said Respondents on the Second Appeal.

3 The learned Advocate appearing for the Respondent No.1, has opposed the application on the ground that the reasons are not satisfactory and the Applicant should have acted diligently.

4 For the reasons stated in the Civil Application, the same is allowed. The delay of 512 days caused in filing this Civil Application is condoned, subject to the Applicant paying costs of Rs.3000/- (Rupees Three Thousand). The order of this Court dated 21.12.2011 is, therefore, recalled and the Second Appeal is restored as against the Respondent Nos.3 and 4.

5 The learned Advocate for the Respondent No.1 submits that the said costs be donated to the High Court Advocates' Bar Association Library, Aurangabad Bench.

6 As such, the Applicant shall deposit the said costs of Rs.3000/- with the High Court Advocates' Bar Association Library, Aurangabad Bench within a period of FOUR WEEKS from today.

7 Pursuant to the depositing of costs, the notices to the Respondent Nos.3 and 4 on the Second Appeal be issued returnable on

10.06.2015.

8 In the event of non compliance of this order, the same shall stand recalled, the Civil Application shall stand rejected and then the order of this Court dated 21.12.2011 shall stand restored.

(RAVINDRA V. GHUGE, J.)