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

**CIVIL APPLICATION NO.11589 OF 2013
IN SA/497/2001**

**SUNANDA NARESH PARLIKAR AND OTHERS
VERSUS
RANGNATH K.TULSI LRS MADHUKAR AND OTHERS**

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Advocate for Applicants : Mr.Survase Rajhans P

**Advocate for Respondents : Mr.V.B.Jagtap h/f Mr.V.D.Sapkal for R/1A to
1C.**

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 06th May, 2015

Per Court:

1 By this application, the Applicants pray for restoration of Second Appeal No.497/2001 and Civil Application No.7129/2001, which have been dismissed by the order of this Court dated 24.07.2013.

2 It is pointed out that an ad-interim relief was granted by this Court on 11.12.2001 and the litigating parties were directed to maintain status-quo. The said ad-interim relief was continued till the dismissal of the Second Appeal and the Civil Application.

3 The Applicants state that the Civil Application has been filed

within limitation. The amount of Rs.5000/-, as was directed by this Court, has also been deposited as a pre-condition for preferring this Civil Application for restoration. All the Respondents are served through paper publication after the notice was published in Marathi daily "Lokmat", Aurangabad Edition dated 06.03.2014, original copy of which has been placed on record.

4 Learned Advocate appearing for the Applicants submits that the matter was unattended on account of unavoidable circumstances. The Advocate appearing for the Applicants had withdrawn his appearance. Had the concerned Advocate informed the Applicants in writing, they could have taken steps for engaging a new Advocate in his place. It is, therefore, prayed that this application be allowed and the Second Appeal with Civil Application be restored to the same stage at which it was dismissed. It is further prayed that the interim relief granted earlier be continued.

5 Mr.Jagtap holding for Mr.VD.Sapkal, learned Advocate has appeared on behalf of the Respondent Nos.1A to 1C. He submits that pursuant to the dismissal of the Second Appeal, the parties may have taken steps for seeking execution of the judgment and decree at issue. He, therefore, submits that no such relief be granted so as to restore the

interim relief.

6 Despite notice of this Court having been published in the newspaper and the Respondents having been served through paper publication, none have caused an appearance either through an Advocate or in person, except Mr.Sapkal, for the Respondent Nos.1A to 1C.

7 In the light of the above, this Civil Application is allowed. The order passed by this Court dated 24.07.2013 shall stand recalled to the extent of restoring Second Appeal No.497/2001 as well as Civil Application No.7129/2001. The amount of Rs.5000/- deposited by the Applicants with the High Court Legal Aid Services Sub Committee, Aurangabad shall not be refunded. The interim relief granted earlier is continued in case the impugned judgment and decree has not been executed as on date.

(RAVINDRA V. GHUGE, J.)