

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

918 CIVIL APPLICATION NO. 7049 OF 2016

IN WP/8755/2014

SURESH BABURAO KULKARNI

VERSUS

RUKMANBAI SHRIRAM PATIOL AND OTHERS

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Advocate for Applicant : Mr.J.V. Deshpande

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CORAM : RAVINDRA V. GHUGE, J.

Date: June 30, 2017

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PER COURT :-

1 The writ petition was dismissed since, the petitioner could not serve respondent No.1, by order dated 14.10.2014. By this application, the petitioner prays for restoration of the petition for taking steps and for condonation of delay of 441 days.

2 Though it has not been prayed in the Civil Application, learned Advocate for the applicants stated across the bar that they would prefer resorting to substituted service by publishing the notice in daily Sakal, Jalgaon / Jamner edition.

3 Considering the above, the Civil Application is allowed and delay of 441 days is condoned subject to costs of Rs.1,000/- with the library of Advocates Association of Bombay High Court, bench at Aurangabad bench within a period of two weeks from today. The writ petition is restored with reference to respondent No.1 and order dated 14.10.2014 stands recalled.

4 Issue notice to respondent No.1 in writ Petition No.8755 of 2014 returnable on 28.7.2017. The petitioner shall get the notice published in Marathi daily Sakal Jalgaon / Jamner edition, at least 10 days prior to the returnable date in this matter and place a copy of the news paper on record. In the event the petitioner fails to comply with the above directions, this order shall stand recalled, the Civil Application shall stand rejected and the order dated 14.10.2014 shall stand restored.

(RAVINDRA V. GHUGE, J.)