

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

53 CIVIL APPLICATION NO. 5120 OF 2015
IN FAST/950/2012

LAXMIBAI DILEEP DHEKALE ANDO RS
VERSUS
VILAS NATHU GAIKWAD AND ORS

...
Advocate for Applicants : Mr. Madhav M. Bhokarikar
Advocate for Respondent No. 3 : Mr. P.P. Bafna (Absent)
Advocate for Respondent No 6 : Mr. S.V. Kulkarni

...
CORAM : K.K. SONAWANE, J.

DATED : 21st AUGUST, 2017.

Order :-

1. Heard.

2 The applicants moved present application seeking restoration of appeal against respondents No. 1 and 4, which came to be dismissed for want of prosecution. There is delay in filing the application for recalling the order of dismissal passed against respondents No. 1 and 4. The learned counsel for respondent No. 6 fairly conceded that the suitable order may be passed in the interest of justice.

3. For the reasons stated in the application, I do not find any impediment to recall the order of dismissal of appeal against respondents No. 1 and 4 with liberty to the applicants to serve notice to these respondents privately in addition to court process. Hence, application stands allowed. The delay stands condoned. The Order dated 19-10-2012 passed by this Court is hereby recalled. The appeal is restored to its original position as against respondents No. 1 and 4.

4. Re-issue notice to respondents No. 1 and 4 on the given addresses.
5. In addition to court process, applicants shall serve respondents No. 1 and 4 privately by any legally acceptable mode and file affidavit along with tangible proof of service.
6. The civil application stands disposed of accordingly.

[K. K. SONAWANE]
JUDGE

MTK