

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 2880 OF 2017
IN
SECOND APPEAL NO. 461 OF 1992

BHAGIRATHIBAI VITHAL SHINDE (DIED) THROUGH LR
BABURAO VITTHAL SHINDE
VERSUS
DAGADU HARIBA KAVALE AND OTHERS

Advocate for Applicant : Shri M.A. Deshmukh
h/f Shri S.G. Chapalgaonkar.
Advocate for Respondent No. 2 : Shri N.S. Shah
h/f S.V. Natu.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 01st September, 2017

PER COURT :

1. Though, respondent No. 2A/Hirabai Ganpati Kalwane, has refused to accept Court notice, the applicant has served Hirabai by Speed Post A.D. as is evidenced by the tracking report placed on record.

2. Respondent No. 2B-1/Anita Balaji Kalwane has also served by Speed Post A.D. as is evidenced by the tracking report placed on record . Therefore, service of 2A and 2B-1 is complete.

3. Respondent Nos. 2B-1/Anita is the mother of respondent Nos. 2B-2 to 2B-4, who are minors and therefore, stand served through 2B-1. However, no appearance has been entered by respondent Nos. 2-A and 2B-1.

4. Considering the above, this Civil Application is allowed. Delay of 1444 days is condoned by imposing cost of Rs. 2,000/-, which the applicant shall deposit with the Advocate Association Bar Library, High Court, Aurangabad, within a period of four weeks.

5. After producing the receipt of deposit the abatement order shall stand recalled and the Second Appeal shall stand restored to the extent of respondent Nos. 2A, 2B-1 to 2B-4.

6. After compliance of the above directions, list Second Appeal No. 461/1992 for final hearing on 12th October, 2017 for final hearing.

(RAVINDRA V. GHUGE, J.)