

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

50 CIVIL APPLICATION NO. 4061 OF 2011
IN FA/1863/2008

THE STATE OF MAHARASHTRA
VERSUS
TRIMBAK GANA KASAR AND ORS

...
AGP for Applicant : Mr. S.R. Yadav
...

CORAM : K.K. SONAWANE, J.

DATED : 20th NOVEMBER, 2017.

Order :-

1. Leave to correct the title clause forthwith.
2. Heard learned AGP for the applicant. When the matter is called out none appears for respondents. This application is filed for setting aside order of dismissal passed by the Registrar (Judicial) of this Court dated 08-02-2011 for not taking steps against unserved respondent No. 2-B-4. The learned AGP submits that correct address of respondent No. 2-B-4 Shetal Abadeo Kasar @ Sheetal Nandakumar Lavhale was not available, therefore, steps were not taken. Meanwhile, Registrar (Judicial) of this Court dismissed the appeal. He further added that now address of so-called respondent has already been procured. He requested to set aside the impugned order of dismissal of the appeal and summons be issued against respondent 2-B-4 in the interest of justice.
3. In view of submissions as well as reasons mentioned in the application, I do not find any impediment to allow the application. Accordingly, application stands allowed in terms of prayer clauses "B to D". The order of dismissal passed by the learned Registrar (Judicial) of this Court dated 08-02-2011 is hereby set aside and

quashed. The appeal be restored to its original stage against respondent No. 2-Shetal Abadeo Kasar @ Sheetal Nandakumar Lavhale.

4. Re-issue notice to respondent 2-B-4 Shetal Abadeo Kasar @ Sheetal Nandakumar Lavhale on the new address given in paragraph No. 3 of the application, returnable on 21st December, 2017.

5. The civil application stands disposed of accordingly.

Sd/-

[K. K. SONAWANE]
JUDGE

MTK