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

**CIVIL APPLICATION NO. 5921 of 2012
IN
SECOND APPEAL NO. 351 of 2005**

Shivaji Lahu Patil and others

...APPLICANTS

VERSUS

Maharu Soma Mavachi and others

...RESPONDENTS

Shri S.P. Shah, Advocate for applicants.

CORAM : N.W. SAMBRE, J.

DATE : 4th August, 2017

ORAL ORDER

As service was not effected on respondent No.11, the Registrar (Judicial) was pleased to dismiss the Second Appeal against said respondent on 24/09/2008.

2. The appellants have come out with an application for restoration of Second Appeal against respondent No.11.

3. For the cause cited in the application, appeal stood

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restored against respondent No.11, subject to payment of cost of Rs. 2000/- (Rs. Two thousand only), to be paid to High Court Bar Library, within a period of three weeks from today.

4. Upon payment of cost, appropriate amendment be carried out at the cost of appellants, within one week from payment of cost.

5. Thereafter, issue fresh notice to respondent No.11, returnable four weeks thereafter. In addition to Court process, respondent No.11 be served through registered post acknowledgment due.

6. If the cost is not deposited/amendment is not carried out/the copies are not supplied for effecting service of respondent No.11, within time stipulated in the order, the appeal shall stand dismissed against said respondent again, without further reference to the Court.

(N.W. SAMBRE, J.)

pjm