

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

908 CA/12483/2017 IN CP/154/2017 IN CP/364/2014 in WP/1667/2012

NEMULAL MAROTI BHANDWALE AND OTHERS
VERSUS

SHRI NAVALKISHOR RAM AND OTHERS

...

Advocate for Petitioners : Mr.Shelke Manoj U.
AGP for Respondent No.1: Mrs.M.A.Deshpande

...

**CORAM : R.D. DHANUKA &
SUNIL K. KOTWAL, JJ.**

DATE: 5th October, 2017

PER COURT :-

1) We have heard learned counsel for the applicants. Applicants seek recall of the order dated 28.4.2017 passed by the Division Bench of this Court, passing a conditional order for taking steps for effecting service upon unserved respondents within a period of six weeks and making it clear that in the event of non-compliance of the order, the petition shall stand dismissed.

2) The respondent No.2 has expired. The respondent No.3 has retired from service. In these circumstances, the applicants seek permission to replace respondent Nos.2 and 3 by the officers mentioned in the paragraph Nos.6 of the Civil Application.

3) Civil Application is accordingly made absolute in terms of prayer Clauses-B and C. Amendment be carried out within one week from today. Civil Application is disposed in aforesaid terms.

4) Place the Contempt Petition No.154 of 2017 on board on 1.11.2017. In the meanwhile, the learned AGP is directed to inform the concerned officer to make a statement before this Court by filing an affidavit as to what steps are taken by the respondents for finalization of the amount pursuant to the order dated 25.4.2016 passed by this Court in Contempt Petition No.364 of 2014, without fail.

5) If it is noticed by this Court that steps are not taken by the concerned officer deliberately, appropriate action will be taken against concerned officer under the provisions of the Contempt of Courts Act, 1971.

(SUNIL K. KOTWAL, J)

(R.D. DHANUKA, J)

spt