

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

CIVIL APPLICATION NO.8135 OF 2016 WITH
CIVIL APPLICATION NO.8136 OF 2016 IN
FIRST APPEAL NO.1432 OF 2012

Maharashtra State Electricity
Distribution Company Ltd. ... APPLICANT

VERSUS

M/s Karan Alloys Pvt. Ltd. & ors. ... RESPONDENTS

.....
Shri P.B. Paithankar, Advocate for applicant
.....

CORAM: R.D. DHANUKA AND
SUNIL K. KOTWAL, JJ.

DATED: 18th September, 2017.

ORAL ORDER :

1. By these Civil Applications, the applicant seeks restoration of the First Appeal No.1432/2012, which came to be dismissed by order dated 3/7/2015 in view of the non-compliance of the conditional order passed by this Court directing the appellant to take steps for effecting service on respondent No.1 and for condonation of delay caused in filing the Civil Application.

2. Learned counsel for the applicant states that, his client does not wish to prosecute the First Appeal against respondents No.4 and 5. He submits that, the respondent No.2 is already served with paper publication and with the notice in First Appeal No.1432/2012.

3. The applicant seeks permission to serve the respondents No.1 and 3 by paper publication in daily newspaper "Lokmat", which is having wide circulation in the area.

4. We have heard learned counsel for the applicant. For various averments made in the Civil Application, the applicant has made out a case for restoration of First Appeal. The First Appeal is accordingly restored to file. The applicant is also granted permission to serve the respondents No.1 and 3 by paper publication in daily newspaper Lokmat. Applicant to serve the respondents No.1 and 3 by paper publication in the said newspaper within four weeks from today and affidavit of service shall be filed within one week from the date of publication. Delay caused in filing the Civil Application is condoned. It is made clear that, if the affidavit of service is not filed by effecting notices by paper publication as permitted by this Court within the time prescribed, the First Appeal shall stand dismissed against

respondents No.1 and 3 without further reference to the Court.

5. Civil Applications are disposed of in aforesaid terms.

No order as to costs.

(SUNIL K. KOTWAL)
JUDGE

(R.D. DHANUKA)
JUDGE

fmp/