

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION (ST) NO. 18973 OF 2017
IN
SECOND APPEAL (ST) NO. 4250 OF 2017

Shri. Mahadeo Narayan Kaulaghe ...Applicant

Versus

Sou. Malanbai Udhav Kale and others ...Respondents

Mr.Sharad Bhosale for the Applicant/Appellant.

Mr.A.A. Kanitkar i/b. Vijay Killedar for the Respondent No.1.

CORAM : S.J. KATHAWALLA, J.

DATED : 13TH JULY, 2017

P.C.:

1. The above Civil Application is taken out on behalf of the Applicant for setting aside the Order dated 01.07.2017 dismissing the Second Appeal (St) No. 4250 of 2017 and restoring the same.

2. For the reasons set out in paragraph No.6 of the Civil Application, the Order dated 01.07.2017 is set aside and Second Appeal (St) No.4250 of 2017 is restored to file.

3. The Advocate for the Applicant/Appellant shall remove office objections within one week from today.

4. The Advocate for the Applicant shall forthwith serve a copy of the

Second Appeal alongwith a copy of this order on the Respondents by Speed Post/Registered Post A.D. and/or by hand-delivery and file an affidavit proving service on the adjourned date.

5. Mr.A.A. Kanitkar appearing for the Respondent No.1 waives service.
6. Office is directed to take on record the Vakalatnama of the present Advocate appearing for the Appellant on his undertaking that he shall produce the No Objection Certificate of the earlier Advocate within a period of four weeks from today.
7. The execution proceedings are stayed till the adjourned date.
8. The above Civil Application is accordingly disposed off.
9. Place the Second Appeal on 02.08.2017.

(S.J.KATHAWALLA, J.)