

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

CIVIL APPLICATION NO. 2990 OF 2018 IN FAST/4614/2018
WITH CA/2991/2018 IN FAST/4614/2018

NANDED WAGHALA CITY MUNICIPAL CORPORATION NANDED THR ITS
AUTHORIZED OFFICER
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for Applicants : Mr. Murar V. Deshpande (Absent).
AGP for Respondents No.1 and 2 : Mr. A. M. Phule.

...
CORAM : P.R. BORA, J.

DATED : 27th AUGUST, 2018.

ORDER :-

1. On the previous date i.e. on 20th August, 2018, the following order was passed by the Court.

"1. On the previous date i.e. on 25.07.2018 the following order has been passed by the Court.

- "1. None present for the applicant.
2. No steps taken to bring L.Rs. of respondent No.3 on record through case is repeatedly adjourned.
3. List the applications for hearing and in default for dismissal on 20.08.2018.
4. Stand over to 20.08.2018."

2. Today, when the present matter is taken up for hearing, even on second call, none has appeared for the applicant. The office remark shows that, no steps are taken for bringing the legal heirs of respondent No.3 on record.
3. In view of the earlier order reproduced herein above, the matter stands dismissed in default.

LATER ON :

1. Shri. M. V. Deshpande, learned counsel appears for the applicant and seeks recall of the above order.
2. At the request of the learned counsel for the applicant, the order passed by this Court dismissing the appeal in default stands recalled.

3. Shri. Deshpande seeks one week's accommodation so as to bring on record the legal heirs of respondent No.3. Time granted. Stand over to next week by way of last chance.
4. It is clarified that, if no steps are taken, necessary orders would follow."

2. Today, when the matter is called out, none has appeared for the applicant. The office remark shows that no steps are taken till today in pursuance of the order passed by this Court on 25th July, 2018 as well as on 20th August, 2018. It was clarified in the Order passed on 20th August, 2018 that if no steps are taken, necessary orders would follow. As such, the following order is passed.

ORDER

The civil application stands dismissed in default. Consequently, First Appeal Stamp No. 4614 of 2018 stands dismissed.

[P.R. BORA, J.]

rrd.