

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

CIVIL APPLICATION NO.4898 OF 2018
IN
CIVIL REVISION APPLICATION NO. 200 OF 2017.

SHIRISH UDDHAVRAO YADAV
VERSUS
NIRMALABAI SHRIDHAR KSHIRSAGAR AND OTHERS

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Advocate for the Petitioner : Shri Shinde Shrikishan S..
Advocate for Respondents 1 and 6 : Shri N.D.Kendre.
Advocate for Respondents 2 and 5 : Shri A.P.Yenegure h/f Shri V.C.Solshe.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 05th June, 2018

Per Court:

1 The Applicant, by this Civil Application, prays for recalling the conditional order dated 23.02.2018 passed by this Court in Civil Revision Application No.200/2017.

2 It is stated that Respondent No.4 was unserved as the Applicant did not have her complete address. Now, the Applicant has located the present postal address of Respondent No.4 and prays for restoration of the Civil Revision Application as against Respondent No.4 and for issuance of notice.

3 The learned Advocates appearing for Respondent Nos.1, 2, 5 and 6 strenuously oppose this application. The contention is that the suit

pending before the learned Court below has been stayed and the Applicant desires to delay the proceedings. Several chances were granted and yet, the Applicant has failed in taking steps to serve Respondent No.4 and is prolonging the matter. In the alternative, the learned Advocates pray that heavy costs be imposed if the application is to be allowed. It is further stated that the costs can be donated to the Government Medical College and Hospital (Ghati Hospital) at Aurangabad for the benefit of patients.

4 Considering the above, this Civil Application is allowed in terms of prayer clause "B" with further directions as follows:-

- (a) The Applicant shall mention the detailed address of Respondent No.4 in the Civil Revision Application forthwith.
- (b) After correction is carried out, issue notice to Respondent No.4 returnable on 29.06.2018.
- (c) Copy of the Civil Revision Application for issuance of notice, if not already supplied, shall be supplied by the Applicant on or before 11.06.2018, failing which, the Civil Revision Application shall stand dismissed as against Respondent No.4 on 12.06.2018 without further reference to the Court.
- (d) An amount of Rs.1000/- (Rupees One Thousand) shall be deposited by the Applicant as donation in the office of the Dean, Government Medical College and Hospital (Ghati

Hospital), Aurangabad on or before 11.06.2018 and submit a receipt of the same with the Registry of this Court.

- (e) Interim relief granted earlier would continue till the returnable date.

kps

(RAVINDRA V. GHUGE, J.)