

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

920 CIVIL APPLICATION NO. 5272 OF 2016
IN CA/9174/2008 IN FAST/16113/2008

SUNITA ANIL CHINCHANSURE AND ORS
VERSUS
VILAS MALHARI JAMADAR AND ORS

...
Advocate for Applicants : Mr. Shahaji B. Ghatol Patil
...

CORAM : K.K. SONAWANE, J.

DATED : 11th JANUARY, 2018.

Order :-

1. Heard learned counsel for the applicant. Perused the application.
2. The applicants are seeking relief in terms of following prayers-

*"(B) Delay of 877 days in filing civil application
may kindly be condoned.*

*(C) The Notice to the respondent No. 2 may
kindly be issued by issuing public summons in any News
paper on same address and matter may kindly be restored
against respondent No. 2 by permitting applicant to take
steps."*

3. During the course of hearing, this Court (Coram: V.K. Jadhav, J.) under order dated 26-04-2016 allowed to issue notice to respondent No. 2 through paper-publication in terms of prayer clause "B". But, there was no specific order for restitution of appeal. However, after considering prayer clause "B" in the civil application, it reveals that present application came to be granted for restoration of the appeal against respondent No. 2 which was dismissed for non taking steps long back in the year 2013.

4. In view of aforesaid, I find that it would justifiable to hold that the present application was allowed by this Court and impugned order of dismissal of appeal against respondent No. 2 was set aside by issuing notice to respondent No. 2 through paper publication. Therefore, there is no propriety to keep the present application alive on board for further hearing. Hence, application stands disposed of accordingly.

5. The registry to do the needful to facilitate applicants for publication of notice to be served to respondent No. 2 through publication in daily news paper widely circulated within the residential area of respondent No. 2. Notice made returnable on 15-02-2018.

6. Accordingly application stands disposed of in above terms.

Sd/-
[K. K. SONAWANE]
JUDGE

MTK.