

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 14041 OF 2018
IN AO/64/2017

SUNIL RAMCHANDRA KINGAONKAR
VERSUS
RAJKUMAR TRIMBAKRAO SAWANT AND OTHER

...
Advocate for Applicants : Shri Deshpande C.R.

...
CORAM : RAVINDRA V. GHUGE, J.
Dated: November 30, 2018
...

PER COURT :-

1. By this application, the applicant prays for recalling of the order dated 25.9.2018, by which, the Appeal from Order was dismissed since steps to serve the respondents were not taken. The Civil Application was filed on 16.10.2018.

2. I find from the record that the Civil Application is filed within time and the amount of Rs.25,000/- has already been deposited in this Court on 17.3.2018.

3. The applicant makes a further statement that if fresh notices are issued to the respondents, they would be served by substituted service through paper publication in Daily Divya Marathi, Parbhani Edition.

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

2-CIVIL APPLICATION NO. 14041 OF 2018

4. In view of the above and since the A.O. was dismissed before any of the respondents could be served, this civil application is allowed. The order dated 25.9.2018 is recalled and the A.O. is restored along with the interim relief, since the amount is also deposited.

5. Issue notice to the respondents in the A.O., returnable on 11.1.2019. The notice shall be published in Daily Divya Marathi, Parbhani Edition atleast three weeks prior to the returnable date and the copy of the news paper would be placed on record.

(RAVINDRA V. GHUGE, J.)

...