

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

Civil Application No. 00809 of 2019
(In Civil Application No. 03907 of 2017)
(In Second Appeal Stamp No. 34533 of 2015)

District : Osmanabad

Jagdish @ Jagannath
s/o. Badrinarayan Maniyar. .. Applicant.

versus

Ramesh s/o. Badrinarayan
Maniyar
& others. .. Non-applicants.

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Mr. M.B. Kolpe, Advocate, for the applicant.

*C.A. No. 03907 of 2017 dismissed as against
non-applicants no.02 and 03B, as per Court's
order dated 08-10-2018.*

*Non-applicants no.03D, 03E and 4 served in
C.A. No. 03907 of 2017.*

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 15TH JANUARY 2019

ORAL ORDER :

01. By order dated 08-10-2018, conditional order was passed by this Court. Time of two weeks was granted to the applicant to take steps and in case of failure, it was stated that the application / appeal would stand dismissed as against

respondents for whom steps are not taken. Since the applicant / appellant could not take steps, second appeal has been treated as dismissed as against respondents no.02 and 03B. However, by this application, fresh address has been given. Taking into consideration this aspect and when the applicant is fighting for his rights since 2015, a chance is required to be given.

02. Respondent no.04 appears to have been served in Civil Application No. 03907 of 2017. Hence, there is no necessity to issue fresh notice to him.

03. Hence, the following order :-

(a) The civil application is hereby allowed.

(b) The order dated 08-10-2018 is hereby recalled to the extent of the present applicant.

(c) Fresh notice be issued to non-applicant no.02 on the address mentioned in the present application.

(d) So also, fresh notice be issued to non-applicant no.03B on the same address mentioned in the title clause.

(e) Fresh notices to non-applicants no.02 and 03B,
as aforesaid, be made returnable 07th February
2019.

(Smt. Vibha Kankanwadi)
JUDGE

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