

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

**918 CIVIL APPLICATION NO.10922 OF 2019
IN FIRST APPEAL STAMP NO.952 OF 2012**

**ALKABAI ATMARAM JOSHI & OTHERS
VERSUS
VIJAY BUDHO KOLI & ANOTHER**

...

Advocate for Applicants : Mr.M.M.Bhokarikar
Advocate for Respondent no.2 : Mr.A.A.Puranik
h/f.Mr.Avinash S.Deshpande

...

**CORAM : V.L.ACHLIYA,J.
DATE : 10.12.2019**

PER COURT:

1] This application is filed seeking recall / setting aside the order of dismissal passed against the respondent no.1 on account of failure to take steps to serve respondent no.1.

2] On due consideration of the submissions advanced and taking into consideration the order of dismissal resulted into serious consequences to the applicants, who are claimants in Claim Petition, I am of the view that application deserves to be allowed. Accordingly, the order of dismissal passed against the respondent no.1 is set

aside. Appeal/Application is restored as against respondent no.1.

3] Learned counsel for the applicants—appellants is directed to serve respondent no.1 by Registered Post Acknowledgment Due or any other legally permissible mode and file the affidavit of service on next date.

4] List the Civil Application No.1382 of 2012 on 31st January, 2020.

[V.L.ACHLIYA]
JUDGE

DDC