

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

**1 CIVIL APPLICATION NO.11629 OF 2019
IN CA//5000/2019 IN SA/194/2014**

**SIDDHESHWAR BHIVRAJ KHATKE
VERSUS
ANUSAYA @ PARWATIBAI SHRIPATI PAWAR AND OTHERS**

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Advocate for Appellant : Mr. Gajanan K. Sontakke

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CORAM : V.L. ACHLIYA, J.

DATED : 29th NOVEMBER, 2019

PER COURT:-

. This application is filed for recall the order of dismissal of Civil Application No.5000/2019 in default for not furnishing the copies. It is submitted that during the pendency of the appeal, the applicant has moved the application seeking permission to produce on record the copy of appeal memo and order passed by the Additional Collector, Osmanabad. On account of failure to supply copies of Civil Application No.5000/2019 for the purpose of service to respondents, the order of dismissal of application came to be passed.

2. On due consideration of submissions advanced in the light of over all facts of the case and reason for dismissal of application in default of applicant to furnish the copies of application, I am of the view the application deserves to be

allowed. Accordingly, the application is allowed in terms of prayer clauses 'A' and 'B'. Civil application no.5000/2019 is restored to its original position.

3. Civil Application is disposed of in above terms.

4. List the appeal for admission along with civil application no.5000/2019 on 21.01.2020.

(V.L. ACHLIYA)
JUDGE

SPR