

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

908 CIVIL APPLICATION ST. NO. 30519 OF 2019
IN
SA/731/2012

AMBADAS BHANUDAS BANSODE
VERSUS
BALU BHANUDAS BANSODE AND ORS

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Mrs. Sanghmitra B. Wadmare, Advocate for
Applicant.

Mr. A.S.Shelke, Advocate for R – 1 to 3.

Mr. G.R.Jadhav, Advocate for R – 4-A,4-B.

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CORAM : V.L.ACHLIYA, J.

DATE : 24/09/2019

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ORAL ORDER :

1. Learned counsel for applicant has tendered application seeking recall of order dated 26/10/2016 to dismiss the appeal against respondent Nos. 4-B Punjabai d/o Bhanudas Bansode.

2. It is submitted that the appeal was dismissed against respondent Nos. 4-B and 6 for taking steps to serve said respondents within time. Service could not be effected to respondent Nos. 4-B and 6 as they were not found at the given address. It is submitted that now the parties have entered into settlement. Respondent No. 4-B is also signatory to the terms of compromise filed on record. In order to facilitate the parties to put to end dispute, it is necessary to recall the order dated

26/10/2016 passed to the extent of respondent No. 4-B.

3. Mr. G.R.Jadhav, learned counsel appears for respondent Nos. 4-A and 4-B and filed Vakalatnama. He submits that appellants have no objection to allow the application. Mr. A.S.Shelke, learned counsel for respondent Nos. 1 to 3 also submits that in order to facilitate the parties, the application may be allowed.

4. Considering the submissions advanced and the fact that the parties have decided to settle the dispute. I am of the view the application deserves to be allowed to the extent of respondent No. 4-B. Accordingly, the application is allowed in terms of prayer clause 'B' to the extent of respondent No. 4-B. Necessary note be taken against the name of respondent Nos. 4-B. The application be re-numbered.

5. Civil Application disposed of in above terms.

[V.L.ACHLIYA]
JUDGE

KNP.