

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

905 CIVIL APPLICATION NO.2311 OF 2019

IN

FIRST APPEAL NO.756 OF 2014

WITH

FIRST APPEAL NO.424 OF 2019

WITH CA/6905/2017 IN FA/424/2019 WITH FA/742/2014

WITH FA/754/2014 WITH FA/423/2019 WITH

CA/6902/2017 IN FA/423/2019 WITH FA/425/2019

DILEEP KANHAIYALAL SANKLECHA

VERSUS

THE STATE OF MAHARASHTRA & ANR

...

Advocate for Applicant : Shri C.V. Korhalkar

AGP for Respondent No.1- State : Shri P.M. Kulkarni

Advocate for Respondent No.2 : Shri N.R. Bhavar

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CORAM : P.R. BORA, J.

Dated: February 05, 2019

PER COURT :-

1. Civil Application No.2311 of 2019 in First Appeal No.756 of 2014 not on Board. Taken on Board at the request of the learned Counsel for the applicant.
2. When the present group of appeals is taken up for hearing, the learned Counsel appearing for the parties submitted that First Appeal No.756 of 2014, though has been shown to be disposed of, in fact the said appeal is pending for consideration.

It is brought to my notice that, the said appeal was dismissed for want of service of notice on respondent, however, this Court (**Coram: K.K. Sonawane, J.**) vide order passed on 24.11.2017 had restored the said appeal to its original stage and it was also observed in the said order that, respondent no.2 has already caused his presence in the said appeal and there was no necessity to pay any *Bhatta*. The Court had, therefore, directed to list the matter for further consideration. It seems that, the said order has been misinterpreted and again the matter seems to have been disposed of by the Registry. In view of the facts stated as above, it is held that, First Appeal No.756 of 2014 is already restored vide order passed by this Court on 24.11.2017. First Appeal No.756 of 2014 be heard along with the connected appeals i.e. First Appeal No.424 of 2019 and others.

3. In view of the order passed, Civil Application No. 2311 of 2019 stands disposed of.

(**PR. BORA, J.**)