

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**CIVIL APPLICATION NO. 1982 OF 2019
IN SECOND APPEAL NO. 240 OF 2017**

Dilip Bhagwan Chaudhari ...Applicant

Versus

Manoj Brajmohan Maheshwari & Ors. ...Respondents

.....

Mr. S. S. Bora, Advocate for Applicant.

Mr. D. M. Pingale, Advocate for Respondent No. 3.
(absent)

.....

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 04-02-2019.

ORAL ORDER :

01. In original proceedings when the notice was issued to respondent No. 2, it was not served. But, due to conditional order the appeal appears to have been dismissed against him. Now, the applicant / appellant prays for restoration for which there is delay. When the respondent was not served earlier, it is not necessary to issue notice again to him for restoration. The delay is condoned for the reasons stated in para No. 13 and 14. The second appeal is restored as against respondent No. 1 also.

02. It appears that previously when the notice was issued to respondent No. 1 has been returned by the concerned Court with the bailiffs remark that he is not found since 25.11.2011 at the given address. Now, therefore, the applicant has prayed for substitute service under order 5 rule 20. Taking into consideration the said report, it can be allowed.

03. Issue notice to respondent No. 1 as per order 5 rule 20 to be published in Daily Dainik Bhaskar on the payment of necessary charges by the applicant returnable on 15.4.2019.

[SMT. VIBHA KANKANWADI]

JUDGE

Dahibhate/-