

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

**11 CIVIL APPLICATION NO.14824 OF 2019
IN SA/184/2014**

PRADEEP RAGHUNATH BEDRE AND OTHERS
VERSUS
SHRI DATTAKRUPA SHIKSHAN SANSTHA, LATUR AND OTHERS

...
Advocate for Applicants : Mr. Patil Indrale Anand V.
AGP for Respondents : Mr. P.M. Kulkarni
Advocate for Respondent No.4 : Mr. A.V. Hon h/f Mr. V.D. Hon
Advocate for Respondent No.1 : Mr. S.S. Thombre
...

**CORAM : S.M. GAVHANE, J.
DATED : 16TH DECEMBER, 2019.**

PER COURT:-

. Applicants-appellants have moved this application to recall the order of dismissal of second appeal against the non-applicants/respondent nos.3 and 6 in the light of the conditional order dated 01.10.2019 and to restore the second appeal against the said respondents condoning the delay caused in moving this application.

2. Learned counsel appearing for the applicants submitted that the aforementioned conditional order was noticed by him on 19.11.2019, when Civil Application No.13279 of 2019 was listed for orders. It is submitted that the applicants have filed Civil Application No.13279 of 2019 on 04.11.2019 to dispense with service of notice of

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respondent nos.3 and 6. It is submitted that respondent no.3 is co-plaintiff and respondent no.6 claims to be the Secretary of the Trust, which is already a party to the appeal and therefore, according to the learned counsel for the applicants, the learned counsel representing respondents-plaintiffs, who are respondent nos.1 and 2, may waive the notice of original respondent nos.3 and 6 and therefore, conditional order dated 01.10.2019 dismissing the appeal against respondent nos.3 and 6 may be recalled and the appeal be restored against them.

3. Considering the submissions made by the learned counsel for the applicants, the fact that learned counsel has noticed the said conditional order on 19.11.2019 and the fact that the applicants have filed separate application for dispensing with the service of notice on respondent nos.3 and 6, for consideration of the Court, this application is allowed in terms of prayer clauses (B) and (C) and it is disposed of.

4. Place Civil Application No.13279 of 2019 for further consideration and orders on 16.01.2020.

(S.M. GAVHANE, J.)