

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****CIVIL APPLICATION NO. 1083 OF 2019****IN****SECOND APPEAL (ST) NO. 4611 OF 2016**

**Sakharam Gangadhar Kedar,
Since deceased through legal heirs
Chandrabhan Sakharam Kedar & Ors.**

..... Applicants**VERSUS**

Madhukar Bapuji Kedar & Anr.

..... Respondents

Mr. V.V.Salunke for the Applicants.

Ms.Tanaya Patankar for the Respondent no.1.

CORAM : R.D. DHANUKA, J.

DATE : 16th AUGUST, 2019

P.C.

By this civil application, the applicants seek recall of the order dated 11th January, 2018 passed by this court directing the applicants to take steps to serve the unserved respondents by passing a conditional order of dismissal of the civil application if necessary steps were not taken by the applicants to serve the unserved respondents within six weeks from the date of the said order. Mr.Salunke, learned counsel appearing for the applicants submits that the respondent no.1 was already served prior to the date of the said order passed by this court. Insofar as respondent no.2 is concerned, the applicants have taken steps to serve the respondent no.2, however were not successful for the reasons recorded in paragraph (8) of the civil application. He submits that the applicants would take appropriate steps to find out the new address of the legal heirs of the respondent no.2 and would take

appropriate steps to serve them within four weeks from today. Statement is accepted. Delay in filing civil application is condoned for the reasons recorded in the civil application. Civil application is made absolute in terms of prayer clauses (a) and (b).

2. It is made clear that no further extension of time would be granted. If the appropriate steps are not taken by the applicants to serve the legal heirs of the respondent no.2, second appeal to stand dismissed against the legal heirs of the respondent no.2 without further reference to court. If the legal heirs of the respondent no.2 are served, place the second appeal on board for admission on **16th September,2019**.

[R.D.DHANUKA, J.]