

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

CIVIL APPLICATION NO.467 OF 2020
IN CA/11412/2016 IN FAST/14817/2016

AURANGABAD MUNICIPAL CORPORATION, AURANGABAD THR ITS
MUNICIPAL COMMISSIONER, AURANGABAD
VERSUS

PRAVEEN TAJ SK. SALEEM AHMED AND ANR

...
Advocate for Applicant : Mr. V. P. Latange
AGP for Respondent No.2 : Mr. R. B. Bagul

...
CORAM : K.K. SONAWANE, J.

DATED : 16th JANUARY, 2020.

ORDER :-

Heard learned counsel for the applicant and learned AGP for respondent No.2. Perused the application and relevant documents produced on record.

2. The applicant- Aurangabad Municipal Corporation preferred present application seeking restoration of proceeding against respondent No.1 (original claimant) by recalling impugned order passed by this Court dated 20-09-2019 for dismissal of proceeding against respondent No.1. Learned counsel for the applicant submits that respondent No.1 was intentionally avoided to get the notice served purposely. She was residing on the same address. Moreover, she was also appeared before the learned Reference Court after giving the same address on record. He requested to recall the impugned Order of dismissal of proceeding and liberty to be granted to the applicant to serve the notice to respondent No.1 privately by legally acceptable fastest mode.

3. In view of reasons mentioned in the application and submissions advanced at bar on behalf of applicant, there is no impediment to give reasonable opportunity to the applicant to serve the notice privately instead of paper publication as prayed. Therefore, prayer to serve the notice to respondent No.1 through paper publication is hereby rejected. However, the applicant is hereby permitted to serve the notice to respondent No.1 privately by legally acceptable fastest mode and file affidavit of service with its tangible proof on or before 13-02-2020. The impugned order dismissal of proceeding bearing Civil Application No. 11412 of 2016 in First Appeal Stamp No. 14817 of 2016 dated 20-09-2019 is hereby recalled. The said proceedings be restored at its original stage against respondent No.1. The Civil Application stands allowed and disposed of in above terms.

4. After restoration of proceeding bearing Civil Application No. 11412 of 2016 for condonation of delay, list the same on 13-02-2020.

Sd./-

[K. K. SONAWANE]
JUDGE

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