

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**923 CIVIL APPLICATION NO.8608 OF 2020
IN SA/671/2019**

PRADEEP PUNDLIK SANAP AND ANOTHER
VERSUS
VARSHA SHANTILAL RANA DECEASED LRS.
KATAWATI MARUTI AALHAT AND OTHERS

...
Advocate for Applicants : Mr. Dhorde Vikram R
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CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 13-01-2021.

PER COURT :

1. Heard learned Advocate appearing for the applicants.
2. Present application has been filed to recall the order passed by this Court on 03-03-2020 in Second Appeal No.671 of 2019 and Civil Application No.15021 of 2019 and also to restore the second appeal.
3. Learned Advocate Mr. A. B. Jagtap for respondents No.3A to 3D, 3F and 4A, and Mr. A. C. Darandale for respondents No.6 to 12 are present, but it is stated that they are the formal parties. The contesting party is respondent No.1A, 1C to 1F and 2. They were earlier represented by Advocate Mr. Z. M. Pathan, but it appears that this Court by order dated 22-12-2020 had issued notices to the concerned parties. They have been served but it appears that they

have preferred not to appear through Advocate, under such circumstance the present application is uncontested. There is no hurdle in recalling the said order.

4. In view of the fact that by order dated 03-03-2020 steps were directed to be taken to serve the unserved respondents within a period of two (2) weeks and the notices were made returnable on 30-03-2020. Conditional order was also passed that the failure to take steps within two weeks would result in dismissal of the appeal without further reference to the Court. It appears that the said period would have ended by 17-03-2020. Now the applicant has his own reasons for not complying with the said order but then the lockdown was declared from 23-03-2020, and therefore, in the interest of the parties, the application deserves to be allowed.

5. Hence, the conditional order passed by this Court on 03-03-2020 in Second Appeal No.671 of 2019 and Civil Application No.15021 of 2019 is hereby recalled. The said second appeal as well as civil application stand restored.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-