

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

**910 CIVIL APPLICATION NO.5761 OF 2014
IN FA/104/2009 WITH CA/5762/2014 IN FA/104/2009**

**SHIVAPPA BABAN MANE AND ANOTHER
VERSUS
KASHIBAI SHIVAPPA MANE AND OTHERS**

Mr.Vinesh C. Solshe, Advocate for the applicants.

Mr.R.D. Borde h/f. Mr.U.S. Malte, Advocate for respondent No.5.

**CORAM : ANIL L. PANSARE, J.
DATED : 15.07.2022**

PC :-

01. The applicant is seeking to recall order passed by the learned Registrar on 17.06.2014 in FA No.104 of 2009. The learned Registrar has dismissed the appeal against respondent No.4 for want of prosecution for the reason that the appellant has not given correct address to issue notice to respondent No.1. The learned Advocate for the applicant would submit that respondent No.4 was served through paper publication at the admission stage. Subsequent to admission of appeal, notice came to be issued but could not be served. He undertakes to serve respondent No.4 through paper publication again.

02. Civil Application No.5762 of 2014 has been filed for publication and is on board today.

03. In view of the above, the order impugned stands set aside. The applicant is permitted to serve respondent No.4 through paper publication. The paper publication be made in daily "Milap", which according to the learned Counsel for the applicant has wide circulation in Hyderabad. The compliance be made within six weeks from today.

04. Both the Civil Applications stand disposed of in above terms.

[ANIL L. PANSARE,J.]