

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

907 CIVIL APPLICATION NO.14955 OF 2022
IN FA/3495/2019

VIJAY UTTAMRAO KAPDE
VERSUS
SHAIKH GULAM NABI S/O GULAM AHMED AND ORS

...
Advocate for Applicant : Mr. A. R. Lukhe h/f Mr. A. S. Shelke
Advocate for Respondent No.3 : Ms. Rohi H. Dahat
....

**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 24/11/2022.**

P. C. :

1. Heard rival submissions.

2. The application is filed for setting aside order dated 18/03/2021 by which this court had dismissed the appeal against respondent No. 1 & 2. However, it appears thereafter that despite such order another civil application for issuing notice to respondent No.1 by paper publication was moved. Though the said application is allowed on 10/11/2022 but at the relevant time the learned counsel for the applicant did not point out the order dated 18/03/2021 whereby the appeal against respondent No.1 was dismissed. This is not a fair practice on the part of the learned counsel for appellants. However, to correct the technical mistake, the dismissal order dated 18/03/2021 at least against respondent No.1 needs to be set aside. As such, following order is passed.

ORDER :

1. The application is partly allowed and the order dated 18/03/2021 is set aside only to the extent of respondent No.1.
2. The civil application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)