

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

**CIVIL APPLICATION NO.11621 OF 2021
IN SAST/21661/2019 WITH CA/10350/2019 IN SAST/21661/2019 WITH
CA/10351/2019 IN SAST/21661/2019**

**ASHABAI RUPLAL CHOUDHARY
VERSUS
RADHESHYAM BABURAO LOKHANDE AND ANOTHER**

...
Advocate for Applicant : Mr. Nitin Jagdale h/f. Mr. V.D. Salunke
Advocate for Respondent No.1 : Mr. S.N. Bansode
Advocate for Respondent No.2 : Mr. S.S. Shaikh
...

CORAM : MANGESH S. PATIL, J.

DATE : 06.01.2022

PER COURT :

Heard both the sides. This is the application for setting aside the order dated 25.08.2021 in Civil Application No.10350/2019 in the Second Appeal whereby the application was dismissed for not complying with the condition of supplying fresh address of the respondent No.2.

2. The respondent No.2 has now been duly served. Even the original plaintiff respondent No.1 has been served and is present through his advocate.

3. Though the application was dismissed in default for non-compliance with the condition, the purpose has now been served in as much as the respondent No.2 has been duly served at least with the notice of this application.

4. The learned advocate for the respondent No.2 who is the

original defendant No.1 submits that he has been engaged by the Legal Services Authority and would try to take instructions as to if he can appear on her behalf even in the Second Appeal or would furnish her fresh address.

5. In view of above the application is allowed. The order is recalled. The Civil Application No.10350/2019 is restored. Stand over to 20.01.2022.

(MANGESH S. PATIL, J.)

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