

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

**CIVIL APPLICATION NO. 16117 OF 2022
IN
SECOND APPEAL STAMP NO. 5439 OF 2020**

**SK. BUDHAN SK. HANIF
VERSUS
MUNAWARKHAN MUBARAK KHAN AND OTHERS**

Advocate for Applicant : Mr. Ranjit A. Shedge (Patil)

CORAM : RAJESH S. PATIL, J.

DATE : 02nd DECEMBER, 2022

PER COURT :

1. This application is filed for restoration of the Second Appeal and Civil Application filed therein.
2. By a common order dated 09.08.2021, it was directed that the applicant should submit copies of the Second Appeal to effect service on the respondents within four weeks. On failure to submit the copies the Second Appeal was supposed to be dismissed automatically.
3. Since the Advocate for the applicant did not comply with the directions of the order dated 09.08.2021, the Second Appeal along with Civil Application was dismissed.
4. I have gone through the contents of the Civil

Application. Civil Application is allowed in terms of prayer clause 'B' and 'C'.

5. Learned Advocate for the applicant to submit the copies of Second Appeal in the Registry within a period of two weeks from today.

6. If copies are supplied within stipulated period, issue notice to the respondents in Second Appeal, returnable on 13.01.2023.

7. Learned Advocate for the applicant is also permitted to serve the unserved respondents by Advocate's private notice within a period of six weeks from today and file affidavit of service to that effect before the next date.

8. Civil Application No. 16117/2022 stands disposed off.

(RAJESH S. PATIL, J.)