

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

905 CIVIL APPLICATION NO.13941 OF 2019
IN CA/4465/2019 WITH CA/4465/2019 IN SA/689/2015

ABA ANNASAHEB SADHYE AND OTHERS
VERSUS
JIJABAI FAKIRRAO ADHAV AND ANOTHER

...
Advocate for Applicants : Mr. Thorat Chandrakant R.
Advocate for the respondents : Mrs. Pooja Langhe
...

CORAM : MANGESH S. PATIL, J.

DATE : 27 APRIL 2022

PC :

The second appeal was dismissed in default for non compliance with the office objections by virtue of operation of the conditional order dated 20-02-2018.

2. Civil application no. 4465 of 2019 was filed by the appellant for restoration of the second appeal along with a prayer to condone the delay. Since steps were not taken to effect service to the respondent no. 2 in civil application no. 4465 of 2019, the conditional order was passed on 31-07-2019 to the effect that if the steps were not taken, the civil application no. 4465 of 2019 would stand dismissed. By virtue of operation of that condition, the civil application no. 4465 of 2019 stood dismissed.

3. By virtue of civil application no. 13941 of 2019, the request is made to restore the civil application no. 4465 of 2019 as against the respondent no. 2.

4. Mrs. Lange appears for both the respondents no. 1 and 2.

5. Subject to the appellant depositing costs of Rs.5,000/- (Rs. Five Thousand) within four weeks from today, the order dated 31-07-2019 stands recalled. CA/13941/2019 is disposed of.

6. On failure to deposit the costs, this order shall stand recalled automatically without reference to the Court and the application would stand dismissed.

7. If the costs are deposited, list the civil application no. 4465 of 2019 on Board on 22-06-2022.

8. The respondent no. 2 shall be entitled to claim the costs.

[MANGESH S. PATIL]
JUDGE

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