

Shiv

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.17086 OF 2022
IN
SECOND APPEAL NO.528 OF 1999**

Vasant Maruti Doke ... Applicant
V/s.
Madhukar Agatrao Katkar & Ors. ... Respondents

Mr. M.A. Patil for the Applicant.
Mr. C.S. Patil i/b Mr.Anant Vadgaonkar for Respondent No.1.

CORAM : S. M. MODAK, J.

DATED : 4TH AUGUST 2022.

PC:-

1. Heard learned Advocate for the Applicant and learned Advocate for Respondent No.1.
2. Second Appeal stands dismissed against Respondent No.4 for not taking steps to serve Respondent No.4. The order is passed by learned Registrar Judicial on 24th July 2018. It is submitted that when service was offered earlier Respondent No.4 was not available. Now it is prayed that fresh notice be issued to Respondent No.4. In view of that the order dated 24th July 2018 is recalled. Second Appeal is restored against Respondent No.4. The serving officer may serve the Respondent No.1, if he is not available during serving hours, by taking recourse to other modes available as per law.
3. Interim Application is disposed of.

(S. M. MODAK, J.)