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

**INTERIM APPLICATION NO.17043 OF 2022
IN
SECOND APPEAL NO.511 OF 2019**

Anna Gulabrao Sawase And Anr. ...Applicants

vs.

Balaso Bapurao Sawase ...Respondent

....

Ms. Vaishnavi Malusare, i/b. Mr. Sushant S. Prabhune, for the
Applicants.

....

CORAM : S.M. MODAK, J.

DATE : 19 AUGUST 2022

P.C.:

Heard learned Advocate for the Applicants. The second appeal was dismissed by way of conditional order dated 14 January 2020 by learned Registrar (Judicial-II). Its copy is on page 7. It was dismissed as the copies were not supplied for the purpose of issuing notice to the sole Respondent. There is a contention raised that private notice is served and affidavit of service though prepared could not be filed due to inadvertence.

2. Even this application for recalling the order is preferred after a delay of two years and 137 days. Orally it is submitted that Covid restrictions were there.

3. In view of the above, the order dated 14 January 2020 passed by learned Registrar (Judicial II) be recalled, subject to cost of Rs.2000/- to be deposited with the office within a period of two weeks and also subject to furnishing copies for the purpose of service on the Respondent.
4. If above conditions are fulfilled, then notice be issued as directed on 20 September 2019. Issue notice to the Respondent in second appeal returnable on 30 September 2022.
5. Interim application is disposed of.

(S.M. MODAK, J.)