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

**INTERIM APPLICATION NO. 1276 OF 2022
IN
FIRST APPEAL NO. 1091 OF 2015**

Mandakini Baban Shedge

..... Applicant/Appellant

Vs.

Kishor B. Shetty and Anr

.....Respondents

Mr. K.N. Kandekar, Advocate for the Applicant/Appellant.

Ms. Kajal Chourasia, i/b Mr Mohit Jadhav, Advocate for the Respondent No.2.

CORAM : GAURI GODSE, J.

DATE : 14th November, 2022.

P.C.

1. This Application is filed for restoration of First Appeal. First Appeal is dismissed as against Respondent No.1 as per Order dated 18th November 2021 for not taking steps to serve the unserved Respondent No.1.

2. Learned counsel appearing for the Applicant states that the building where the Respondent No.1 was residing is demolished and whereabouts of Respondent No.1 are not known. Hence, he could not take steps to serve Respondent No.1 within time. For the reasons stated in the Application, it is allowed and Order dated 18th November 2021 passed by Registrar(Judicial-II) is set aside and First Appeal is restored as against Respondent No.1.

3. Applicant is allowed to serve Respondent No. 1 by substituted service by publishing notice in Marathi local newspaper 'Navakal' and in Hindi local newspaper 'Navbharat Times' within a period of four weeks.

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4. Application is allowed in the above terms.

[GAURI GODSE, J.]