

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

56 SECOND APPEAL NO.327 OF 1995
WITH CA/5179/1995 IN SA/327/1995

KISAN MARUTI HUJDAR.
VERSUS
BABURAO MARUTI (L.RS.) SONABAI and OTHERS.

CORAM : S. G. MEHARE, J.
DATE : 06.11.2023

PER COURT :-

1. None present for the parties.
2. Notices were issued. The bailiff report shows that appellant No.3 Balu was served. However, appellant Nos.2, 4, 5, 6 and 7 could not be served and appellant No.2 reported to be dead. Appellant Nos.4 and 5 went to reside at Baramati, appellant No.6 went to reside at Ujjain and appellant No.7 went to reside at Faltan. Appellant No.3 was served, but he did not appear. It was the duty of the appellants to submit the recent address of the parties, if changed. However, appellant Nos.4, 5, 6 and 7 did not take pain to submit the fresh address. The Court had issued the notices on the address given by them. Thereby, it is difficult for Court to identify them. Hence, the appeal filed by them stands dismissed for default. Same way, the appeal against appellant No.3 stands dismissed for want of

prosecution. The appeal against respondent No.2 stands abated.

3. In view of the above observations, the second appeal stands dismissed.

4. R and P be returned to the learned Trial Court.

5. Civil Application stands disposed of.

(S. G. MEHARE, J.)

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vmk/-