

Pooja K.

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 1256 OF 2012
IN SECOND APPEAL (ST) NO. 7544 OF 2009

Vishnu Ramchandra Kulkarni (died)
Thr LRs Tilottama Vishnu Kulkarni and Ors. ... Applicants
Versus
Jambha Raoji Bhil (died)
Thr LRs Bhimabai Jambha Bhil and Ors. ... Respondents

...

Mr. D.P. Palodkar – Advocate for Applicants
Ms. Pallavi Wangikar h/f. Mr. R.V. Gore – Advocate for Respondent
Nos.1-A and 1-B

....

CORAM : GAURI GODSE, J.
DATE : 5th January, 2023

PER COURT :

1. This Civil Application is filed by the applicants praying for restoration of delay condonation application against the respondent nos.1-C and 1-F. By order dated 1st April, 2010 passed in Civil Application No. 8860 of 2009, applicants were granted conditional time to take steps to serve respondent nos.1-C and 1-F, however the applicants had not taken steps. Hence, the Civil Application stood dismissed against respondent nos.1-C and 1-F.
2. In the present application in paragraph no.4 the applicants have provided fresh addresses of the respondent nos.1-C and 1-F for

issuing notice to them.

3. In such circumstances, present Civil Application is allowed in terms of prayer clause 'B' and Civil Application No. 8860 of 2009 is restored against respondent nos.1-C and 1-F.
4. Applicants are granted leave to amend cause title of Civil Application No. 8860 of 2009 for adding the correct addresses of respondent nos.1-C and 1-F.
5. Amendment to be carried out within a period of one week from today.
6. After amendment is carried out, office to issue fresh notice in Civil Application No. 8860 of 2009 to respondent nos.1-C and 1-F on the amended fresh addresses.
7. In addition to the Court notice, applicants are directed to serve respondent nos.1-C and 1-F by private notice and file service affidavit to that effect before next date, failing which the application shall stand dismissed against respondent nos.1-C and 1-F.
8. Notice is made returnable on 16th February, 2023.
9. The Civil Application is disposed of in above terms.

[GAURI GODSE, J.]