

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

SECOND APPEAL NO.17 OF 1997

**RAMPRASAD BHAGINATH AGRAWAL.
VERSUS
HUKUMCHAND UTTAMCHAND PANDE.**

**CORAM : S. G. MEHARE, J.
DATE : 19.10.2023**

PER COURT :

1. The learned counsel appearing for the appellant Mr. S. L. Kulkarni was reported dead. Hence, notice on Court motion was issued to the appellant on the address given on the appeal memo. However, the notice returned back unserved due to incomplete address. Notice was issued on the last known address of the appellant. It was duty of the party to furnish the changed address. Kannad is small town and it was possible for bailiff to find out the appellant. Be that as it may, the notice is deemed to be served as issued on the last known address. The appellant appears to have lost the interest in the appeal. The Court is supposed to act upon the material supplied by the parties. The Court has no source to know his complete address. It is not possible to secure his presence and appeal would unnecessarily remained pending. The appellant is not diligent.

2. Hence, the appeal stands dismissed for default.

ysk/

(S. G. MEHARE)
JUDGE