



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

**912 CIVIL APPLICATION NO. 1944 OF 2024
IN CA/1002/2024**

**REWANAPPA KASHINATHAPPA BARULE L.RS. DHONDIBA L.RS.
PADMINBAI L.RS. DIGAMBAR AND AND OTHERS
VERSUS
MARUTI MALBA HANDE L.RS. SHIVAJI L.RS. SAKHUBAI AND
OTHERS**

...
Mr. M.D. Narwadkar, Advocate for the applicants.
Mr. G.K. Sontakke, Advocate for respondent Nos. 1A-1 to 1A-5 &
1B
...

CORAM : SANDIPKUMAR C. MORE, J.

DATED : 13 February 2024

P. C. :

1. Heard rival submissions.
2. The applicants are seeking recalling of order dated 23.01.2024 passed in Second Appeal No. 615 of 1992 with Civil Application No. 1002 of 2024.
3. The learned Counsel for the applicants submits that this Court wrongly observed that last chance was given to the applicants for taking steps against unserved respondents. In fact, this Court, vide order dated 04.08.2023, had already extended the period for issuing notice to the unserved respondents in pursuance

to the order dated 10.07.2023 wherein last chance for the same was granted.

4. However, only by extending time, the observation of this Court in order dated 10.07.2023 would not vanish. As per the said observation the appellants/applicants are found highly negligent in taking steps against the unserved respondents. Not only that, despite pursuing the said order dated 10.07.2023 and order dated 04.08.2023, they took out fresh application for the same and therefore, this Court by observing everything, has imposed cost of Rs. 5,000/-. In view of the same, the present application for recalling the aforesaid order dated 23.01.2024 stands rejected and disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)

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