

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 177 OF 2024

Trupti Sachin Adsul .. Applicant
Versus
Sachin Balasaheb Adsul .. Respondent

-
- Ms. Nikita Thuruwal i/by Mr. Rajesh More for Applicant

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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 26, 2024

P. C.:

1. Heard Ms. Thuruwal, learned Advocate for Applicant.
2. In the present Misc. Civil Application (MCA), notice was issued to Respondent on 18.04.2024 and made returnable on 14.06.2024. On 14.06.2024, Respondent was duly represented by Advocate Mr. Sujit Padarat i/by Advocate Mr. Ganesh Taware. On that date, learned Advocate for Respondent sought time to file reply and he also made a statement that he would pray for adjournment before the Trial Court on the next date. Matter was thereafter adjourned to 09.07.2024. This shows that Respondent has been duly served and is even aware of the present MCA otherwise the Advocate would not have sought time to file reply. Thereafter on 09.07.2024, at the request of learned Advocate for Applicant, matter was adjourned to 30.07.2024 which is a Farad order. On that date, learned Advocate for Respondent was absent. On 30.07.2024, this Court recorded that though the Advocate

for Respondent appeared, vakalatnama is not filed in the matter and therefore fresh notice was issued to Respondent made returnable on 10.09.2024. Present MCA was assigned to this Court as per roaster thereafter. Today it is reached hearing and after being called out, it is seen that Respondent is not present.

3. In view of the above, one thing is clear that Respondent has been duly served and he is aware about the present proceedings. Noting of the Registry on 02.09.2024 shows that Advocate for Applicant has not filed affidavit of service till date. So also affidavit in reply has not been filed till date and as per Court's order dated 30.07.2024, fresh notice which was issued to Respondent on 21.08.2024 and service report is awaited. This remark is of 02.09.2024. I intend to give one final opportunity to Respondent to remain present in Court.

4. Copy of this order shall be served by learned Advocate for Applicant on Respondent and file affidavit of service to that effect. It is clarified that after receipt of this order, if Respondent remains absent on the next adjourned date, this Court shall not await his presence and determine the present MCA in accordance with law.

5. Stand over to **3rd October, 2024.**

[MILIND N. JADHAV, J.]

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by RAVINDRA
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