



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 14514 OF 2024
IN
FIRST APPEAL NO. 593 OF 2023

Eknath Vishnu Chaudhari.

...Appellant.

Versus

M/s.Ashish Combine and Others.

...Respondents.

Mr. Dushyant Pagare for for the Appellant.

Mr. Aditya P. Shirke for the Respondent No. 1, 2 and 3.

Mr. R. V. Dighe i/b A. S.Rao for the Respondent No. 9, 10 and 11.

Coram : Sharmila U. Deshmukh, J.

Date : January 21, 2025.

P. C. :

1. Interim Application has been filed seeking to recall order dated 13th August 2024 by which the Appeal came to be dismissed as against the Respondent Nos.8 and 12 for failure to take requisite steps for service of notice.

2. Learned Counsel appearing for the Appellant would submit that the notice issued to the Respondent Nos.8 and 12 returned unserved as they were not available at the time of service. Similarly, the Court notice was returned unserved as not found. He submits that necessary steps will be taken within two weeks from today for serving the unserved Respondent Nos. 8 and 12.

3. From the pleadings in the Application it is clear that by order dated 14th July 2023 notice came to be issued and the Applicants were permitted to serve the Respondents by private notice. As far as the Respondent Nos.8 and 12 are concerned, the Court notice as well as the private service notice returned unserved as not found. It is therefore clear that the Appellants had taken steps to serve the Respondent Nos.8 and 12, however, notices have returned unserved. It will be therefore necessary for the Appellant to take appropriate steps whether by way of serving them by substituted service or otherwise to effect service upon the Respondent No. 8 and 12.
4. In the light of above, delay of 20 days caused in filing the Interim Application is condoned. Order dated 13th August 2024 is recalled.
5. Let appropriate Interim Application for serving the Respondent Nos.8 and 12 be filed within a period of three weeks from today.
6. List the Appeal on **11th February 2025**.

[Sharmila U. Deshmukh, J.]