

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 466 OF 2025.

IN

FIRST APPEAL (ST) NO. 27544 OF 2019.

Shri. Suresh Kishan Nagane

...Appellant/
Applicant.

Versus

Shri. Sudhakar Dwarkanath Mahant And Ors.

...Respondents.

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ASHOKRAO

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Adv. Pratima Soundalkar i/by Solicis Lex for the Appellant.
Mr. Mayur Sonavane AGP for the State.
None for the Respondent No. 1.

Coram : Sharmila U. Deshmukh, J.

Date : March 19, 2025.

P. C. :

1. Interim Application has been preferred seeking recall of the order dated 16th April, 2024 and for permission to serve the unknown legal heirs of the Respondent No. 2 by publication.
2. Learned Counsel appearing for the Applicant submits that the baillif's report was returned unserved as Respondent No. 2 had expired and the Applicant is not aware about the names and addresses of the legal heirs or representative of the Respondent No. 2 and the address has mentioned in the proceedings is last known address of the Applicant.
3. Upon query by this Court she submits that Respondent No.

2 is the brother of Respondent No. 1. Today none appears for the Respondent No. 1. The order dated 16th April, 2024, dismissed the First Appeal as abated qua the Respondent No. 2 as the legal heirs could not be brought on record. It is specific pleading of the Applicant that the legal heirs of the deceased Respondent No. 2 are not known. As such the order of 16th April, 2024 is required to be recalled and permit the Applicants to serve the unknown legal heirs of Respondent No. 2 by issuing necessary public notice.

4. Office remark indicates that the baillif's report that the service upon Respondent No. 2 could not be effected as he has expired. As the legal heirs are not known the Applicant is permitted to serve the unknown legal heirs by publication in Free Press Journal and Lokmat returnable on **30th April, 2025**.

5. Interim Application is allowed in above terms.

[Sharmila U. Deshmukh, J.]