

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.9039 OF 2025
IN
SECOND APPEAL NO.706 OF 2018**

Surekha Raghunath BasugadeApplicant

In the Matter in Between:

Shakuntala Bhimrao Nikam,
Since Deceased Through LRs.Appellants

Vs.

Raghunath Ganpati Basugade,
Since Deceased Through LRs. & Ors.Respondents

Mr. Sudhanva S. Bedekar, for the Applicant.

Mr. Nikhil Pawar with Ms. Manasi Patil, for the Respondents/Original
Appellant No.1B & 1C.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATED : 28th JANUARY 2026

PC.:-

1. The Applicant/original Respondent No.1(b) has filed this application under order 9 Rule 13 of the Code of Civil Procedure for recalling the order dated 15th June 2023 passed by this Court in Second Appeal No.706 of 2018.

2. The counsel for Applicant has stated that the order was passed *ex parte* against the Respondent No.1(b). She came to know about the order, when she received the warrant of execution proceeding

and thereafter, she has filed this application. As the matter was decided without hearing her and she was not served on proper address, the Applicant/original Respondent No.1(b) has filed this application.

3. Issue notice to Respondents/original Appellants returnable on **11th February 2026.**

4. Mr. Nikhil Pawar, Advocate waives notice for original Appellant No.1B and 1C.

5. If the Respondent No.1 herein filed any adjournment application before the Executing Court, the Executing Court may consider the same.

(MRS. VRUSHALI V. JOSHI, J.)

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