

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

**Civil Application No. 5501 of 2009
In
Civil Application Stamp No.7893 of 2001
In
Second Appeal No.380 of 1994
With
Civil Application No.4794 of 1994**

Devidas s/o Haribhau Jogdand
Since deceased through legal
representatives.

.. Applicants.

Versus

Viithal s/o Yamaji Kolpe
And Others.

.. Respondents.

Shri. A.G. Deshmukh, Advocate, holding for Shri. M.M.
Patil (Beedkar), Advocate, for applicants.

Shri. M.K. Deshpande, Advocates for respondents.

CORAM: T.V. NALAWADE, J.

DATE : 11th SEPTEMBER 2015

ORDER:

1) The application is filed for condonation of delay of 68 days caused in filing civil application for setting aside abatement of the appeal and for setting aside the

abatement of the appeal. Heard both the sides. All the legal representatives of the respondent are served.

2) In view of the contents of the application and the submissions made the application is allowed. Delay is condoned. The order of abatement of the appeal is set aside. The appeal is restored to its original number. List the matter for final hearing on 20th October 2015. Civil Application No.4794/1994 filed for stay will be decided at the time of final hearing of the appeal.

Sd/-
(T.V. NALAWADE, J.)

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