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

CIVIL APPLICATION NO. 3060 OF 2014
IN SA/475/1991

SHAIKH KALE SK.CHAND LRS GULAM GOUSE LRS ZUBEDABEE AND
OTHERS
VERSUS
GULABSING THANSINGH AND OTHERS

...

Advocate for Applicants : None

Advocate for Respondents : Mr.M.D. Joshi for R/1A to 1D , 2 & 3.

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 18th April, 2015

Per Court:

1 Second Appeal No.475/1991 is yet to be admitted. When the matter was called out on 08.03.2010, this Court dismissed the Second Appeal for non prosecution after noting that nobody appeared for the Appellants on 30.06.2009, 02.08.2009, 05.10.2009 and 04.11.2009.

2 By this Civil Application, the Applicants pray that the Second Appeal be restored and the delay of 1404 days be condoned. It is stated that the daughter of the learned Advocate for the Appellants was to undergo kidney transplant operation in Australia and the son of the learned Advocate donated one kidney to the daughter of the learned

Advocate. It was for this purpose, the learned Advocate and his family were out of India.

3 Mr.M.D.Joshi, learned Advocate appearing for the Respondents, considering the medical reasons cited by the learned Advocate for the Appellants in the Civil Application, has fairly stated that he does not oppose this application.

4 In the peculiar facts of this case, this Civil Application is allowed. The delay of 1404 days is condoned without imposing costs. The order dated 08.03.2010 passed by this Court is recalled and the Second Appeal is restored to the file at the stage at which it was dismissed in default.

(RAVINDRA V. GHUGE, J.)