

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

**Civil Application No.8223 of 2013
In
Second Appeal No.240 of 1989**

Apparao Madhavrao Gaddam
Dead through legal representatives. .. **Applicants.**

Versus

Manohar S/o Ramji Patil
And Others. .. **Respondents.**

Shri. P.S. Agrawal, Advocate, for applicants.

CORAM: T.V. NALAWADE, J.

DATE : 28 AUGUST 2015

ORDER:

1) The application is filed for condonation of delay of 1431 days caused in filing application for setting aside the order of dismissal of the second appeal in default and for restoration of the second appeal. Notice of the present proceeding was served and in that regard order is made by this Court on 21-8-2015. Some respondents are represented by some counsels but they have not turned up. Heard learned counsel for the applicants.

2) The submissions made show that both the appellants are dead. Ordinarily parties do not remain in touch with the Advocates representing them in appeal. In view of these circumstances the application is allowed. Delay is condoned. The order of dismissal of appeal is hereby set aside and the appeal is restored to its original number.

3) Issue fresh notice in appeal, made returnable on 13-10-2015. Call record and proceedings again from the trial Court and call copy of paper book from the First Appellate Court. Rule made absolute in above terms.

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

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