

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CIVIL APPLICATION NO. 9571 OF 2010
IN
SECOND APPEAL NO. 373 OF 1995

Dhanraj S/o Dashrath Deokar

... Applicant

Versus

Rambhau s/o Sundarji Randive
(deceased – through L.Rs.

a) Bhimabai W/o Rambhau Randive and others ... Respondents

Mr. N. A. Matkar, Advocate h/f. Mr. R. V. Gore, Advocate for
applicant

Mr. D. V. Soman, Advocate for respondents No. 1, 4 and 6

CORAM : SUNIL P. DESHMUKH, J.
16TH NOVEMBER, 2015

ORDER:

1. This application for recall of the order dated 15-06-2010 dismissing Second Appeal No. 373 of 1995 had been immediately filed on 17-06-2010 on realisation of dismissal of appeal in default for non appearance. It is being pointed out by learned counsel Mr. Matkar that on that date, there were two civil applications on board, one for bringing legal heirs on record and another for fixing the appeal for final hearing, however, inadvertently those could not be attended to resulting in

dismissal of appeal. He submits, application had been lingering on for service on respondents. He further submits, quite a few respondents were required to be served through paper publication.

2. Mr. Soman, learned counsel appearing for respondents No. 1, 4 and 6 strenuously urges not to give indulgence, for, application has been pending from last five years.

3. Having regard to aforesaid and considering the reasons given in the application, I deem it appropriate to allow the civil application. Accordingly, civil application is allowed in terms of prayer clause (B) and disposed of.

4. It would be appropriate that the appellant supplies paper book as early as possible preferably within four months.

SUNIL P. DESHMUKH, J.

pnd