

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

**CIVIL APPLICATION NO.15034 OF 2015
IN
CIVIL APPLICATION NO. 2831 OF 2013
IN
SECOND APPEAL STAMP NO. 29443 OF 2012**

Pandurang Laxman Panchal ...APPLICANT

versus

Sahebrao Dhondiba Mete (Chavan) ...RESPONDENTS

.....
Mr. S.S. Kulkarni, Advocate holding for
Mr. Gaurav Deshpande, Advocate for applicant
Mr. Vivek V. Bhavthankar, Advocate for respondent No. 1
.....

CORAM : SUNIL P. DESHMUKH, J.

DATED : 11th DECEMBER, 2015

Order :-

1. This is the application predominately moved for recalling of order dated 08-07-2015 pursuant to which civil application no. 4312 of 2015 was allowed to be withdrawn.

2. Learned counsel submits that civil application no. 4312 of 2015 had been filed for bringing legal heirs of respondents No. 2 and 4, however, while the same was being proceeded with, under some confusion rather belief that application had suffered from many effects, it was sought to be withdrawn with an underlying intention to file another application and counsel had not foreseen impediments for

another application and believed the request, accordingly, had been granted.

3. It is being contended that while seeking withdrawal of said application, the applicants believed that they would be able to file proper application without defects being suffered under civil application No. 4312 of 2015. It is, therefore, requested this application may kindly be allowed.

4. Learned counsel for respondents, however, submits that although present application apparently is moved for restoration of civil application No. 4312 of 2015, yet it also contains several other prayers. It would not be proper to consider all prayers of this application.

5. Be that as it may, other prayers made in the application apart from one of restoration of civil application No. 4312 of 2015 appear to be ancillary and consequential prayers depending on the decision of civil application No. 4312 of 2015.

6. In the circumstances, I deem it appropriate to allow this application in terms of prayer clause "B" and leave it open to take out proper corrective action/application for rest of the prayers.

7. Accordingly, present civil application is allowed in terms of prayer clause "B" and stands disposed of. Matter may be proceeded with without any technical hindrance.

Sd/-

(SUNIL P. DESHMUKH, J.)