

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

CIVIL APPLICATION NO. 13693 OF 2013
IN
SECOND APPEAL NO. 583 OF 1991

Kaluram Umala Rathod – (died)
through legal heirs

1. Lobha Kaluram Rathod and another ... Applicants

Versus

Moti Pattu and others

... Respondents

Mr. B. V. Dhage, Advocate for applicants

Miss. A. V. Thole, Advocate h/f Mr. V. I. Thole, Advocate for
respondent No.1

CORAM : SUNIL P. DESHMUKH, J.
11TH DECEMBER, 2015

ORDER:

1. This is an application moved for recall of order of dismissal of second appeal, filed on 03-10-2013.
2. Learned counsel for the applicants submits that the matter had escaped his attention and additionally tried to support the same by the reasons appearing under paragraph no.3 of the application.
3. Learned counsel for respondent no.1 on the other hand referring to contents in paragraph no.4 of the civil application submits that reasons in paragraph no.3 do not appear to be plausible.

4. However, having regard to that the application has been lodged within time and it has been shown that the matter went unattended as it escaped attention of the learned counsel for the applicants, the application does not deserve pedantic approach and as such, in larger interest the same stands allowed in terms of prayer clause (B) and disposed of.

SUNIL P. DESHMUKH, J.

pnd