

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

**CIVIL APPLICATION NO. 193 OF 2011
IN
SECOND APPEAL NO. 769 OF 2009**

Bainabai W/o Narayan Wankhede ... Applicant

Versus

Baburao S/o Narayan Wankhede
(Sukalkar) & others ... Respondents

.....
Mr. R.R. Shaikh , Advocate for Applicant
Mr. A.R. Vyawahare, Advocate holding for
Mr. G.P. Shinde, Advocate for respondent Nos. 9 & 10
.....

CORAM : RAVINDRA V. GHUGE, J.

DATED : 18th MARCH, 2015

PER COURT :

1. It is stated in the application that the learned Advocate for the applicant could not remain present in the Court when the Second Appeal was called out on 17-11-2009. Consequentially, the order dismissing the Second Appeal came to be passed.
2. Learned Advocate for the respondents opposes the Civil Application.

3. For the reasons set out in the Civil Application, the delay of 372 days caused in filing the Civil Application is condoned. The Civil Application is allowed. Order of this Court dated 17-11-2009 is recalled.

4. Since the learned Advocate has taken the blame on himself, I am not imposing costs.

5. Second Appeal No. 769/2009 is therefore restored.

(RAVINDRA V. GHUGE, J.)