

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.198 OF 2015
IN
SECOND APPEAL NO.671 OF 2002**

Shri. Sampat Yashwant Patil Applicants
since deceased thru' legal heirs
Smt. Parvati Sampatrao Patil & Ors.

Vs.

Shri. Nivrutti Yashwant Patil & Ors. Respondents

Mr. Sandeep Phatak h/for Mr. Sugandh Deshmukh, Advocate for the Applicants.

Mr. Dilip Bodake, Advocate for Respondents no.1, 5A and 5B.
Mr. L.S. Gaikwad, Advocate for Respondent no.4.

Coram : Smt. R.P. SondurBaldota, J.

Date : 4th February, 2015.

P.C.

1 This Civil Application is for fixing up an early date of hearing of the Second Appeal. The office note shows that the Second Appeal is not yet ready for hearing, since the paper-book is yet to be prepared. Besides, the notice of final hearing is yet to be served upon

respondents no.6A(iii) and 6B(v). The appellant ought not to have taken the Civil Application without the Second Appeal being ready for final hearing. The Civil Application is therefore dismissed. At the request of Mr. Phatak, the learned advocate for the applicants, liberty is granted to the applicants to file private paper-book and also send advocate's notice to the respondents, who remained unserved.

(Smt. R.P. SondurBaldota, J.)