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IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 2172 OF 2015
IN
WRIT PETITION NO. 5943 OF 2014

Nana Maruti Ingale

Since deceased through heirs and Lrs.

1. Smt. Malan Nana Ingale and others

.. Applicants

Vs.

Shri Vishnu Ganu Ingale and others

.. Respondents

Mr.P.G.Chavan, Advocate for the Applicants.

Mr.Dilip Bodake, Advocate for Respondents.

CORAM : R. G. KETKAR, J.

DATE : 29th JULY, 2015

P.C. :

1. Not on board. At the request of Mr.P.G.Chavan, taken up in the Production Board.

2. Heard Mr.P.G.Chavan, learned Counsel for the applicants and Mr.Dilip Bodake, learned Counsel for the respondents.

3. By this Application, the applicants have prayed for recalling order dated 23/06/2015 and further modifying to the extent of prayer clause (c).

4. Mr.Chavan submitted that the respondents have filed Review Application for seeking review of order dated 04/12/2009. In that Review Application, they have taken out application for condonation of delay and the same is still pending which is

numbered as Review Application No. 54 of 2012. He submitted that the Executing Court may be directed to first dispose of the application for condonation of delay. He further states that the decree passed on 04/12/2009 is already executed.

5. Having regard to the fact that respondents have filed Review Application seeking review of order dated 04/12/2009 and that as there is delay in filing Review Application, respondents have filed application for condonation of delay, in the fitness of things, it is necessary to direct the Executing Court to first decide the application for condonation of delay before taking up the Review Application. It will be open to the applicants to agitate their contention that the decree is already executed before the Executing Court. Subject to above, no orders are required in this Application and the same is disposed of accordingly.

(R. G. KETKAR, J.)