

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 99 OF 2015
IN
CIVIL REVISION APPLICATION NO. 611 OF 2011

Pramod K. Deorukhkar .. Applicant
VS.
Baburao A. Khamitkar, since deceased
by his legal representatives .. Respondents

Mr. S. G. Deshmukh h/f. Mr. R. S. Patil for Applicant.
Mr. S. N. Gawade for Respondents.

CORAM : M. S. SONAK, J.
DATE : 13 JULY 2015

P.C. :-

1] This civil application seeks recall of order dated 22 November 2012, by which the CRA was dismissed for want of prosecution. This civil application was filed on 8 February 2013, after delay of about 60 days. Sufficient reasons are set out in the civil application, including in paragraph 3 thereof. In the meanwhile the order which has been impugned in the CRA has also been executed and the applicant has lost possession of the suit premises.

2] Mr. Gawade, the learned counsel for the respondents invited my attention to the reply filed including paragraphs 3 and 5 thereof and submitted that no sufficient cause can be said to have been

made out for either condoning the delay or for recalling the order made on 22 November 2011.

3] In my judgment, the reasons set out in paragraph 3 does make out a sufficient cause. Accordingly, civil application is allowed in terms of prayer clauses (A) and (B) only. There is no question of grant of relief in terms of prayer clause (C) as in the meanwhile the impugned order has already been executed. Civil application is disposed of in the aforesaid terms.

4] Place the CRA and civil application no. 128 of 2015 for further consideration on 3 August 2015.

(M. S. SONAK, J.)

Chandka