

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.805 OF 2015
IN
SECOND APPEAL NO.625 OF 2014

Nagnath Ramling Deshmukhe and another ... Applicants
Vs.
Malappa Hanmantappa Paramshetti (decd.) through heirs
Aadyappa Mallappa Paramshetti and another ... Respondents

Mr. Anand S. Kulkarni for Applicants.

CORAM : R. G. KETKAR, J.
DATE : MAY 8, 2015

P.C. :

Not on Board, at the request of Mr. Kulkarni, learned Counsel for applicants, taken up in the production Board.

2. Mr. Kulkarni submitted that the Second Appeal was listed on 02.12.2014. Since none appeared on behalf of the appellants, matter was adjourned to 16.12.2014 and was shown under the caption 'for dismissal'. Even on 16.12.2014, as none appeared on behalf of appellants, it was dismissed in default. He submitted that for the reasons stated in paragraph 8 of the Application, the order dated 16.12.2014 deserves to be recalled. He further states that notices to respondents were not issued in the main Appeal.

3. In view thereof and for the reasons stated in the Application, I am satisfied that Applicant has made out sufficient cause for condoning the delay. Hence, Civil Application is allowed in terms of prayer clauses (A) and (B) with no order as to costs.

(R. G. KETKAR, J.)