

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

5 CIVIL APPLICATION NO. 5101 OF 2014
IN SA/56/2013

BABURAO VITTHALRAO DHUMAL
VERSUS
KALINDABAI JEEVAN DHUMAL AND ANOTHER

...
Advocate for Applicant : Adgaonkar Ravibhushan P
...

CORAM : T.V. NALAWADE, J.
DATED : 12th August, 2016.

ORDER :

1. The application is filed for condonation of delay of 64 days caused in filing restoration application and also for recalling the order made by this Court of dismissal of the appeal for default. Heard the learned counsel for applicant. Learned counsel Shri. Kalyan Patil waived notice for respondent No. 1, but he has not turned up. Respondent No. 2 is served, but he has also not turned up.

2. In view of the contents of the application and submissions made and as the counsel has taking the blame to himself, this Court holds that sufficient cause is shown. The application is allowed. Delay is condoned. The order of dismissal is hereby recalled. Matter is restored to its original number.

3. As nobody has turned up for respondents today, notice to respondents in appeal, made returnable on 23.9.2016.

4. Call record and proceeding if it is already not called.

[T.V. NALAWADE, J.]

SSC/