

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**6. CA/5583/2016
with
CA/3134/2016**

**CITY AND INDUSTRIAL DEVELOPMENT
CORPORATION OF MAH**

V/S

VIMALBAI BABULAL UBAL

.....

Mr.BAJAJ A.S., Advocate for Applicant.

Mr.C.R. DESHPANDE, Advocate for Resp.

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CORAM : T.V.NALAWADE, J.

DATE : 5th MAY, 2016

ORAL ORDER :-

. C.A. No. 3134 of 2016 is filed for condonation of delay caused in filing restoration application and for restoring the Appeal which is dismissed for default and C.A. No. 5583 of 2016 is filed for stay.

2. Seen the Order made by this Court on 04/12/2015. Learned counsel for the applicant is taking blame to himself.

3. In view of the contentions and the submissions made, C.A. No. 3134 of 2016 is allowed. Delay is condoned.

The matter is restored to its original position and number by setting aside the order of dismissal. The Order made by this Court in S.A. No. 45 of 2014 that, “ pending hearing on admission of Second Appeal, the respondent shall not deal with the suit property ” is restored. Liberty is given to both sides to move for early hearing of Second Appeal.

[T.V.NALAWADE, J.]