

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

938 CIVIL APPLICATION NO. 5178 OF 2015
IN SA/706/2011

NILKANTH KISANRAO SURYAWANSHI
VERSUS
BABRUWAN KISANRAO SURAYWANSHI AND OTHERS

Shri. N.S. Tekale, Advocate, holding for Shri. Amol S. Gandhi, Advocate, for applicant.

Shri. M.L. Dharashive, Advocate, for respondent No.1.

CORAM: T.V. NALAWADE, J.

DATE : 5th AUGUST 2016

ORDER:

1) The application is filed for condonation of delay of 474 days caused in filing restoration application and for setting aside the order of dismissal in default and for restoration of the appeal. Other side counsel has strong objection for the same.

2) In view of the contentions made in the application and the submissions made and in view the fact that the counsel takes blame to himself the application is allowed. Delay is condoned. Order of dismissal is set

aside. The matter is restored to its original number. Learned counsel for the appellant submitted that respondent No.3 is dead but legal representatives of respondent No.3 are already on record and they are respondent Nos.1 and 2. This statement is accepted. Amendment to be carried in the appeal memo. List the appeal for final hearing on 23rd September 2016. Print is dispensed with.

Sd/-
(T.V. NALAWADE, J.)

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