

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

**55 CA/4985/2016
IN
SA/309/2010**

RADHABAI ASHRUBA LOKHANDE

VERSUS

**DATTATRAYA BALASAHEB DESHMUKH
AND ORS.**

.....

Mr. V.D.Salunke, Advocate for Applicant.

Mrs. M.A.Kulkarni, Advocate for R – 1 & 2.

.....

WITH

**CA/5054/2016
IN
SA/308/2010**

RADHABAI ASHRUBA LOKHANDE

VERSUS

**DATTATRAYA BALASAHEB DESHMUKH
AND ORS.**

.....

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

Mr. V.D.Salunke, Advocate for R – 4.

.....

CORAM : T.V.NALAWADE, J.

DATE : 4th JULY, 2016

ORAL ORDER :-

. The first application is filed for restoration of Second Appeal No. 309 of 2010 and for condonation of delay of 810 days caused in filing the application for restoration. Second application is filed for restoration of Second Appeal No. 308 of 2010 and for condonation of delay of 811 days caused in filing the application for restoration and there were similar reasons for dismissal.

2. Both the learned counsels for the applicants submit that respondent No. 5 was not party to the proceeding which was pending in the trial Court and appellate Court and they would delete them and would take steps for removal of objections.

3. In view of the circumstances, both applications are allowed. The order of dismissal made by the Court are hereby recalled. The matters are restored to the original number. The amendment in the record be carried out.

4. Stand over to 01/08/2016.

[T.V.NALAWADE, J.]

