

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.506 OF 2016
IN
CIVIL REVISION APPLICATION NO.262 OF 2007**

Dr. Govind Sadashiv Marathe

.... Applicant

versus

Sharad Shankar Lotlikar (decd) through LRs ... Respondents

Mr.S.A. Bhagwat a/w Mr.J.M. Chitale for the applicant.
Mr.R.S. Sapkal for the respondents.

**CORAM : R.G. KETKAR, J.
DATE : 21st OCTOBER, 2016**

PC. :

1. Heard Mr.J.M. Chitale, learned Counsel for applicant and Mr.Sapkal, learned Counsel for respondents.

2. This is an application for recalling order dated 28/03/2016 passed by this Court. Mr.Chitale submitted that by order dated 28/03/2016, Civil Revision Application No.262/07 was dismissed for default as none appeared for the parties.

3. Mr.Chitale submitted that Civil Application No.627/16 was filed on 17/02/2016 which was in time. In view thereof, the

Registry should have allowed that application without placing it before the Court. Instead of doing that, the Registry placed it before the Court and in the process the Civil Revision Application was dismissed in default.

4. On 28/03/2016, none appeared for the applicant. It is material to note that even none appeared for respondents as well on 28/03/2016. For the reasons stated in application, Civil Application is allowed in terms of prayer clause (a) with no order as to costs. Civil Revision Application is restored to the its original position.

(R. G. KETKAR, J.)