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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1103 OF 2016
IN
APPEAL FROM ORDER NO.470 OF 2013

Dattatraya M. Awtade & Anr. ...Applicants

IN THE MATTER BETWEEN :

Dattatraya M. Awtade & Anr. ...Appellants

V/s.

Someshwar B. Thite & Anr. ...Respondents

Mr.Sandeep Pathak for the Applicants / Appellants.

None for the Respondents.

CORAM : R.D. DHANUKA, J.
DATE : 16TH SEPTEMBER, 2016.

P.C. :-

1. Learned counsel appearing for the applicants states that the respondents are served. The statement is accepted. None appeared for the respondents, though served.

2. By this civil application, the applicants seek restoration of the appeal from order as well as the civil application along with interim orders passed by this Court and for recalling the order dated 20th April, 2016 passed by this Court.

3. I have heard the learned counsel appearing for the

applicants and have perused the averments made in the civil application. The applicant had filed a leave note of his advocate on 12th April, 2016 which could not be brought to the notice of this Court. On 20th April, 2016, learned advocate appearing for the applicant was held up before the Division Bench of this Court and could not remain present. I am inclined to accept the averments made by the applicants in the civil application. The case is made out by the applicants for grant of relief in terms of prayer clause (A) of this civil application.

4. I therefore, pass the following order :-

a). The civil application is made absolute in terms of prayer clause (A). Appeal From Order No.470 of 2013 along with Civil Application No.580 of 2013 are restored to file. Interim orders passed by this Court in the civil application are also restored to file. No order as to costs.

5. Place the appeal from order along with civil application on board for admission on 5th October, 2016.

(R.D. DHANUKA, J.)