

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

CIVIL APPLICATION NO.2727 OF 2016

IN

FIRST APPEAL NO.120 OF 2004

Mashappa Balu Shinde

.. Applicants

Versus

Namdeo Mahadeo Khatangale and another

.. Respondents

Mr. Y. P. Narvankar for the Applicants.

CORAM : R.M. SAVANT, J.

DATE : 11th AUGUST 2016

PC.

1 The above Civil Application has been filed for restoration of Civil Application No.2858 of 2014 which has been filed for restoration of the First Appeal and the two Civil Applications which were listed alongwith the First Appeal. The said Civil Application No.2858 of 2014 has stood dismissed for non-prosecution on account of the non-removal of the office objections in the matter of payment of Bhatta. The above Civil Application is accordingly allowed. Resultantly, the Civil Application No.2858 of 2014 is restored to file.

2 On restoration of Civil Application No.2858 of 2014, the Learned Counsel for the Applicant seeks deletion of the Respondent No.1

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as he is dead. The said Respondent is accordingly allowed to be deleted at the risk of the Applicants. The Civil Application No.2858 of 2014 to be placed for hearing after two weeks. The Learned Counsel for the Applicants to serve the Respondent No.2 i.e. Insurance Company by private advocate's notice and file affidavit of service.

[R.M. SAVANT, J]