

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

**CIVIL APPLICATION NO.11 OF 2016
IN
CIVIL APPLICATION NO.77 OF 2013
IN
APPEAL FROM ORDER (ST.) NO.30533 OF 2012
(R.C. No. 934 of 2013)**

Tukaram Vithal More & Ors. .. Applicants
Vs.
Mahendra Pandurang Dhotre .. Respondent

Mr.S.U.Pandey for the applicants.
None for the respondent.

CORAM : R.D. DHANUKA, J.
DATE : 11th January 2016

P.C.

. Learned counsel appearing for the applicants, on instructions, states that the respondent has been served and tenders affidavit of service. Statement of the learned counsel is accepted. Affidavit of service is taken on record. None appears for the respondent when the matter was called out.

2. By this civil application, the applicants seek condonation of delay of 82 days in filing the present civil application and seek restoration of Civil Application No.77 of 2013 which is dismissed by this Court on 8th April 2013 for want of prosecution.

3. For the reasons recorded in the civil application, civil application is made absolute in terms of prayer clauses (a) and (b). Civil

Application No.77 of 2013 is restored to file and be placed on board for 'hearing and final disposal' on 9th February 2016.

R.D. DHANUKA, J.