

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

**CIVIL APPLICATION NO. 1127 OF 2013
IN
REVIEW PETITION NO.16 OF 2007
IN
SECOND APPEAL NO.499 OF 1987**

Sumati Yashwant Mathure .. Applicant
(orig. respondent no.2)

Vs.

Vasant Narayan Karkhanis (since deceased)
through his legal heirs

1(a) Pushpa Vasant Karkhanis & Ors. .. Respondents

Mr.Sachin Chavan for Applicant.
None for Respondents.

CORAM : R.D. DHANUKA, J.
DATE : 2nd September 2016

P.C.

. Learned counsel appearing for the applicant states that all the respondents are served. Statement is accepted.

2. By this civil application, the applicant seeks condonation of delay of 2 years and 170 days in filing the civil application and seeks recall of the order dated 29th January 2009 passed by this Court and seeks restoration of the review petition. None appears for the respondents. No affidavit-in-reply is filed by the respondents.

3. I have heard learned counsel appearing for the applicant and have perused the averments made in the civil application. I am satisfied that the delay is satisfactorily explained.

4. For the reasons recorded in the civil application, the delay of 2 years and 170 days in filing the second appeal is condoned. The order dated 29th January 2009 passed by this Court is recalled. Review petition is restored to file. Civil application is disposed of in aforesaid terms. No order as to costs.

R.D. DHANUKA, J.