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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1601 OF 2016
IN
SECOND APPEAL NO.529 OF 2014

Prakash Y. Aarate & Anr. ...Applicants

IN THE MATTER BETWEEN :

Smt.Ambutai M. Suryawanshi ...Appellants

V/s.

Prakash Y. Aarate & Ors. ...Respondents

Mr.V.S. Tadake for the Applicants.

Mr.Akshay Shinde i/b Mr.A.M. Kulkarni for the Respondents.

CORAM : R.D. DHANUKA, J.
DATE : 21ST OCTOBER, 2016.

P.C. :-

1. By this civil application, the applicants (original respondents in the second appeal) seeks recall of the order passed by this Court on 15th July, 2015 and seeks condonation of delay in filing this civil application.

2. Learned counsel appearing for the applicants invited my attention to the order dated 15th July, 2015 passed by this Court stating that the learned counsel for the respondents seeks time to file reply to Civil Application No.1285 of 2014. This Court directed the

office to place the said civil application after eight weeks and in the meantime granted *ad-interim* relief, which was to be operated. This Court however, inadvertently recorded that the said civil application stands disposed of.

3. In my view, the learned counsel for the applicants is right in his submission that once the *ad-interim* order was allowed to be continued and an opportunity was granted to the applicants herein to file affidavit in reply, the said civil application could not have been disposed of by this Court.

4. The applicants have sufficiently explained the delay in filing the civil application in this civil application. The civil application is made absolute in terms of prayer clauses (a) and (b). The affidavit in reply filed by the application in the said Civil Application No.1285 of 2014 is taken on record. It is made clear that the *ad-interim* order granted by this Court to continue during the pendency of the Civil Application No.1285 of 2014.

5. Place Civil Application No.1285 of 2014 along with Civil Application No.931 of 2016 on board on 25th November, 2016.

6. Civil application No.1601 of 2016 is accordingly disposed of in aforesaid terms. No order as to costs.

(R.D. DHANUKA, J.)