

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.643 OF 2015
IN
FIRST APPEAL NO.1258 OF 2007

Vitthal Patil

... Applicant

Vs.

Hirabai Patil & Ors.

... Respondents

Mr.S.V. Sadavarte for the Applicant

Mr.Gaurav Gaikwad /b S.S. Patwardhan for Respondent Nos.1, 2 & 3

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 18th FEBRUARY, 2016

P.C.:

1. This Civil Application is filed for restoration of appeal by recalling the conditional order dated 5.6.2008. There is a delay of 6 years and 100 days. The learned Counsel for the applicant submits that the order of this Court for serving the respondents was not complied in time and hence, the appeal was dismissed. The learned Counsel submits that now he has served all the 12 respondents and an affidavit of service to that effect dated 19.3.2015 is filed. He submits that the delay in filing the appeal is caused due to inadvertence as the order of dismissal was not noticed.

2. Considering the submissions made by the learned Counsel, the delay is condoned and the impugned order is hereby recalled and set aside. The appeal is restored to its original file.

3. Civil Application stands disposed of.

(MRIDULA BHATKAR, J.)