

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

*CIVIL APPLICATION NO. 179 OF 2016
ALONG WITH
CIVIL APPLICATION NO. 180 OF 2016
IN
SECOND APPEAL (ST) NO. 5321 OF 2013*

Rama Devaji Mavale & anr.

*... Applicants in both
applications.*

v/s

Dhondu Sitaram Pardhi & ors.

... Respondents

Mr.Samir Suryawanshi for the applicants in both applications.

None present for the respondents.

Coram: N.M. Jamdar, J.

Dated: 4 May 2016

P.C.:

Heard learned counsel for the Applicants. The appeal is pending for admission. The Civil application No.180 of 2016 is allowed in terms of prayer clauses (a), (b) and (c). Civil Application No.898 of 2013 stands restored to file.

2 The Applicants will carry out necessary amendment in the Civil Application No.898 of 2013 as well as in the Second Appeal (St) No. 5321 of 2013, on or before 10 June 2016.

3 Perused the Civil Application No.179 of 2016 taken out for

restoration of the appeal. Cogent reason is made out. The application is allowed in terms of prayer clauses (a) and (b). The appeal is restored to file.

4 After the amendment so carried out, issue notices in Civil Application No.898 of 2013 to the heirs of the Respondent, returnable on 4 July 2016. Apart from usual mode of service, the Applicants are permitted to serve the Respondents by private notice through Registered A.D. / Speed post / Fax and file an affidavit of service before the returnable date.

(N. M. JAMDAR, J.)