

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****CIVIL APPLICATION NO. 377 OF 2015****IN****SECOND APPEAL NO. 395 OF 2013****Shivaji Ramji Thakare****..... Applicant****VERSUS****Kalibai Tulshiram Bhoje****Since deceased through legal heirs & Ors.****..... Respondents**

Mr.A.V.Chatuphale for the Applicant.

None for the Respondents.

CORAM : R.D. DHANUKA, J.**DATED : 25th FEBRUARY, 2016****P.C.**

Learned counsel appearing for the applicant submits that respondent nos. 1A to 1G are contesting respondents and have refused to accept service. My attention is invited to the remark made by the office in this regard.

2. By this civil application, the applicant seeks recall of the order dated 11th November, 2014 passed by this court dismissing the second appeal for default. I have perused the civil application. The applicant has made out a case for recall of the order dated 11th November, 2014. For the reasons recorded in the civil application, order dated 11th November, 2014 passed by this court dismissing the second appeal as well as Civil Application No.68 of 2013 is recalled. Second Appeal No.395 of 2013 along with Civil Application No.68 of 2013 are restored to file.

3. Place Second Appeal No.395 of 2013 along with Civil Application on board for admission on **9th March, 2016.**

[R.D. DHANUKA, J.]