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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.428 OF 2015
IN
SECOND APPEAL NO.67 OF 2000

Abdul A. Aga, since deceased
through His L.Rs. - Ajij A. Aga & Ors. ...Applicants
V/s.

Jaysing R. Pawar, since deceased
through His L.Rs. - Smt.Shalan J. Pawar & Ors. ...Respondents

Ms.Priyanka Joshi i/b Mr.Rahul Kate for the Applicants.

None for the Respondents.

CORAM : R.D. DHANUKA, J.
DATE : 26TH AUGUST, 2016.

P.C. :-

1. Learned counsel appearing for the applicants states that all the respondents have been served. No affidavit in reply has been filed.

2. I have heard the learned counsel for the applicants and have perused the civil application with the assistance of the learned counsel for the applicants. The applicants have satisfactorily explained the delay of 389 days in filing the civil application and for restoration of the second appeal which is dismissed for default on 10th October, 2013.

3. For the reasons recorded in the civil application, the delay in filing the civil application is condoned. The order dated 10th October, 2013 passed by this Court is recalled. Interim relief, if any, till in force on the date of dismissal of the second appeal on 10th October, 2013 is restored to file.

4. The civil application is disposed of in aforesaid terms. No order as to costs.

(R.D. DHANUKA, J.)