

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

3 CIVIL APPLICATION NO. 6414 OF 2015
IN FA/662/2008

KUSUM VIJAYKUMAR YADHAV AND ORS
VERSUS
RAVINDRA RAMESH AGRAWAL AND ANR

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Advocate for Applicants : Mr. S. K. Adkine
Adv. for Resp. No.1 : Mr.D. SDeshpande, Mr.R.N. Dharaswadkr
Advocate for Respondent No.2 : Mr.S.L.Kulkarni.

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CORAM : K.K. SONAWANE, J.

DATED : 01ST SEPTEMBER, 2017.

ORDER :-

Heard learned counsel for the applicants. Perused application. There is a delay of 1525 days in filing the application for recalling the impugned order of dismissal for default. This Court granted an opportunity to the applicants for compliance, but the efforts were unavailing. Eventually this Court in the month of July-2010 proceeded to dismiss the appeal for failure to prosecute the same. Even thereafter, the applicant did not take any steps with due diligence within reasonable period for recalling the impugned order at the earliest. The learned counsel for applicants submits that, Advocate of applicants was not aware about the dates of the present proceedings, moreover an appeal was not listed on the board, and therefore, the

applicants or their counsel did not get knowledge of the impugned order passed by this Court. But, later on after search learned counsel for the applicants came to know about the impugned order, and therefore, present application is filed at belated stage. The reasons mentioned in the delay application referred above appears not sufficient and reasonable one to condone the delay. The present application is filed after efflux of colossal period and there is no satisfactory explanation for the same. Hence, application being devoid of merit deserves to be dismissed. In sequel, application is hereby rejected. No order as to the costs.

Sd./-

[K. K. SONAWANE]
JUDGE

rrd.