

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.116 OF 2011
IN
REJECTED CASE NO.896 OF 2010
(SECOND APPEAL (ST) NO.30291 OF 2006)**

Balu Baban Bhandale and Anr. ... Applicants
versus
Dattoba Shankr Bhadale (deceased)
and Chabubai Dattoba Bhadale and Ors. ... Respondents

Mr. A.B.Tajane, for Applicants.
None for Respondents.

CORAM: S.J. KATHAWALLA, J.

DATE: 28th JULY, 2017

P.C.:

1. Perused the Civil Application, which is served on Respondent No.3. However, Respondent No.3 is not present before the Court by himself and/or his Advocate. In view thereof, for reasons set out in the Civil Application, the same is allowed in terms of prayer clauses (a) and (b) which are reproduced hereunder :

"(a) The delay of 25 days in filing the present Application be condoned;

(b) The conditional order dated 19-11-2010 in Civil Application 896 of 2010 in R.C.No.359 of 2007 in Second Appeal Stamp No.30291 of 2006 which is annexed as Exhibit A to the present Application be set aside and the Appeal be restored to its original file against Respondent Nos.3, 7, 9 and 10 and Applicant be permitted to bring

the Lrs of Respondent No.3 on record as shown in the title of present Civil Application and the Applicants be permitted to carry out the amendment accordingly;"

2. The above Civil Application is accordingly disposed of.
3. The Civil Application Nos.896 of 2010, 115 of 2011, 452 of 2016, 897 of 2010 and 1259 of 2010 shall be placed on 11th August, 2017.

(S.J.KATHAWALLA,J.)