

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

**CIVIL APPLICATION NO.239 OF 2017
IN
REJECTED CASE NO.10 OF 2015
IN
SECOND APPEAL (STAMP) NO.7592 OF 2011**

Shri Krishnat Rama Kore & Ors. ... Applicants/Appellants

vs.

Smt. Indubai Tukaram Chougale & Ors. ... Respondents

Mr Kalpesh Patil a/w Mr. Paras Yadav for the Applicant/Appellant.
Mr. Satyajee Shirke for the Respondent Nos.4 and 5.

Coram : **A.A. Sayed, J.**

Date : 15 November 2017

P.C. :

1 This Civil Application is filed for recalling the order dated 25 August 2015 dismissing the Civil Application No.79 of 2015 and to condone the delay of 118 days for taking out the Civil Application.

2 It is pointed out that atleast on a couple of occasions such Applications have been dismissed. However, considering the facts and circumstances of the case and since the Advocate for the Applicants was appointed as Public Prosecutor of the Additional District Court, Ichalkaranji, a case is made out for allowing the Civil Application subject to costs of Rs.7,500/- to be paid by the Applicant to the Respondent. Ordered accordingly. The Civil Application is disposed of.

3 List the Civil Application No.79 of 2015 on 6 December 2017.

(A.A. Sayed, J.)