

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1434 OF 2016
WITH
CIVIL APPLICATION NO.1435 OF 2016
WITH
CIVIL APPLICATION NO.1436 OF 2016
WITH
CIVIL APPLICATION NO.1437 OF 2016
IN
SECOND APPEAL NO.424 OF 2005**

Smt. Putalabai R. Nalavade ... Appellant/Applicant
Versus

Shri Dnyanu G. Katkar & Ors. ... Respondents

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Mr. U.R.Mankapure, Advocate for the Applicant/Appellants .
None for the Respondents.

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CORAM : S.C.GUPTE, J.

DATE : 10 FEBRUARY 2017

P.C. :

. Heard the learned counsel for the Applicant. This Civil Application seeks restoration of the Second Appeal, which was dismissed in 2009 for non-compliance with requisitions of this Court, which was not complied with and as result, the Second Appeal was dismissed by a self operative order. After 7 years, this Civil Application has been taken out. There is no explanation for this long delay save and except the averment that the application be allowed as the Applicant's advocate was not aware of the dismissal of the Second Appeal. This can hardly account as a reasonable excuse for non filing of the application within time. The Civil

Application is, accordingly, dismissed. In view of the dismissal of the Civil Application, the Second Appeal is not restored to the file and hence, the other Civil Applications which are taken out for bringing legal heirs on record do not survive and the same are also dismissed.

(S.C.GUPTE, J.)