

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

**CIVIL APPLICATION NO.654 OF 2016
IN
CIVIL REVISION APPLICATION NO.130 OF 2007**

**Shri. Bhalchandra Bassappa Kamire
(deceased through legal heirs)
Shivakka Raosaheb Chougule and others ..Applicants**

IN THE MATTER BETWEEN

**Shri. Bhalchandra Bassappa Kamire
(deceased through legal heirs)
Shivakka Raosaheb Chougule and others ..Applicants**

Versus

Dr. Shantkumar Dhondiram Chivate ..Respondent

**Shri. U. R. Mankapure for the Applicants.
None for the Respondent.**

CORAM : R. M. SAVANT, J.

DATE : 7th APRIL, 2017

PC.

1 The above Civil Application has been filed for restoration of the above Civil Revision Application which has stood dismissed for non-prosecution on account of the non-appearance of the advocate on 28.03.2016 when the Civil Revision Application was listed for final hearing. The Applicants also pray for condonation of delay of 49 days in filing the application.

2 None appears for the Respondent, though the Respondent is

served as also names of three advocates are appearing on the daily board.

3 A Learned Single Judge of this order by order dated 06.02.2017 had stayed the taking over the possession of the suit premises as the Respondent was appearing in the executing proceedings but was not appearing in the above Civil Application filed for restoration. An affidavit of service has been filed showing that the Respondent has been served. Hence accepting the reasons mentioned in the Civil Application for the said delay of 49 days, the same is allowed. Resultantly, the Civil Revision Application is restored to file. The Civil Application is accordingly disposed of.

4 The order staying the possession would continue to operate pending the hearing and final disposal of the Civil Revision Application.

[R.M.SAVANT, J]