

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

**CIVIL APPLICATION NO.1212 OF 2016
IN
SECOND APPEAL NO.690 OF 2011
WITH
SECOND APPEAL NO.690 OF 2011
WITH
CIVIL APPLICATION NO.1605 OF 2011**

Mrs. Chingubai Jaysing Ghorpade
(deceased)

Shri Bhalchandra Bhacharam Jadhav ... Appellants/Applicants

Versus

Smt. Kokilabai Atmaram Deshmukh
and Others

... Respondents

.....

Mr. P.M. Arjunwadkar for the Appellants/Applicants.

Mr. P.S. Gole for Respondent Nos.5A, 5B, 11A, 11B, 12A and 12B.

.....

CORAM : S.C.GUPTE, J.

DATE : 16 JANUARY 2017

P.C. :

. Heard learned Counsel for the parties.

2 The Applicants seeks recall of an order of dismissal passed in respect of a civil application which, in turn, was for restoration of another civil application, namely, Civil Application No.1598 of 2013. This last application was for bringing legal heirs on record, which itself was after a delay. Anyway, today it is the restoration application, namely, Civil Application No.1212 of 2016, which is on board. For the reasons stated in

the civil application, the order of dismissal dated 15 September 2015 passed in respect of Civil Application (St.) No.30338 of 2014 is set aside and the Civil Application is restored on board, subject to payment of costs quantified at Rs.10,000/-. The costs to be paid in one set to Respondent Nos. 5A, 5B, 11A, 11B, 12A and 12B, in the name of their Advocate, within a period of two weeks from today.

3 Civil Application No.1212 of 2016 is disposed of accordingly.

4 Civil Application (St.) No.30338 of 2014 to come up on board on 3 February 2017.

(S.C. GUPTE, J.)