

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1944 OF 2016
IN
SECOND APPEAL NO.626 OF 1988**

Shri Vitthal B. Mhalaskar
Since deceased through legal heirs ... Applicants

IN THE MATTER BETWEEN

Shri Vitthal B. Mhalaskar
Since deceased through legal heirs ... Appellants
V/s.

Shri Namdeo M. Dhore
Since deceased through legal heirs
1a. Shridhar N. Dhore & Ors. ... Respondents

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Mr. A.P.Kulkarni, Advocate for the Applicants/Appellants .
Mr. D.Dalal i/by S.B.Deshmukh, Advocates for the Respondents.

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CORAM : S.C.GUPTE, J.

DATE : 10 FEBRUARY 2017

P.C. :

. This Civil Application seeks restoration of the Second Appeal, which was dismissed for default. On the very next date, the appeal was mentioned for restoration by learned counsel for the applicants/appellants. This Court, however, directed him to take out an appropriate civil application. Accordingly, the present civil application has been taken out.

2 The learned counsel for the Respondents strongly opposes the application.

3 The Second Appeal is restored. The Civil Application is allowed by restoring the second appeal. The Second Appeal to come up for hearing in the week commencing from 27.2.2017.

(S.C.GUPTE, J.)