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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1793 OF 2016
(FOR RESTORATION)
IN
CIVIL APPLICATION (ST) NO. 5056 OF 2014
IN
SECOND APPEAL NO. 598 OF 1999

1. Shri. Narayan Ganpati Saste
and Ors.

....Applicants

V/s.

Banubai Baburao Saste
Since deceased, through her
heirs and legal representatives and Ors.

....Respondents

Mr. Sagar Ambedkar, Advocate for the Applicants/Appellants.

Mr. I.S. Thakur, Advocate for the Respondents.

Coram :- N.M. Jamdar, J.

Date :- 21 April 2017.

P.C. :-

Looking at the reason why the Civil Application was dismissed for non-prosecution where the Court was left with no choice but to dismiss the same in view of repeated default on the

part of the Applicants, the Civil Application cannot be allowed, simplicitor, unless suitable costs are imposed.

2. By way of interim order, the possession of the Applicants has been protected. This order came to be passed when the Appeal was listed for final hearing. Because of this Application, the Appeal has been deferred for five years depriving the Respondents of their rights. There is also a delay of 2 years and 142 days.

3. The Civil Application is allowed subject to the Applicants paying costs of Rs.25,000/- to the Respondents within a period of 6 weeks from today. List the Second Appeal on board for final hearing as per its chronological order.

(N.M. Jamdar, J)