

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO. 1745 OF 2016
IN
SECOND APPEAL (STAMP) NO.1755 OF 2009
WITH
CIVIL APPLICATION NO. 376 OF 2014
IN
SECOND APPEAL (STAMP) NO.1755 OF 2009
WITH
CIVIL APPLICATION NO. 377 OF 2014
IN
SECOND APPEAL (STAMP) NO.1755 OF 2009**

Shri. Nandu Madhukar Chiplunkar And Anr. ...Applicants
(Appellants)(Ori. Plaintiffs)

vs.

Madhukar Kashinath Chiplunkar, Deceased
Through L.Rs And Ors. ...Respondents
(Ori. Defendants)

....

Mr. Tushar Sonawane, for the Applicants.

None for the Respondents.

....

CORAM : S.C. GUPTE, J.

DATED : 4 JANUARY 2017

P.C. :

. Heard learned Counsel for the Applicants. Civil Application No.1745 of 2016 seeks recall of an order dated 9 July 2015 passed by the Registrar Judicial-II in Civil Application No.376 of 2014 in the present Second Appeal and for condonation of delay of 99 days in taking out the present application. The delay is explained in terms of

paragraph 2 of the Civil Application. For the reasons stated in the Civil Application, the delay is condoned and the order of dismissal dated 9 July 2015 is quashed and set aside. Civil Application No.1745 of 2016 is disposed of. The Applicants are permitted to amend the Civil Application No.376 of 2014 by incorporating the new addresses of Respondent Nos.1EE and 1F given in the Civil Application. Amendment to be carried out within a period of one week from today. The office to issue notices to Respondent Nos. 1EE and 1F in accordance with the amended addresses and serve the Civil Application. Liberty to the Applicants to also serve the Respondents by private service by post. Affidavit of service to be filed before the next date. Civil Application No.376 of 2014 is stood over to 23 January 2017. Civil Application No.377 of 2014 is also stood over to 23 January 2017, to be heard along with Civil Application No.376 of 2014.

(S.C. GUPTE, J.)