

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**949 CIVIL APPLICATION NO. 3830 OF 2018
IN FA/241/2000**

**BHAUSAHEB SOMAJI DUMATE (DIED) THR LRS LAXMIBAI
(DIED) BHAGWAN AND ANR**

VERSUS

ABHAY S/O JAGANNATH AGARKAR AND ANR

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**Advocate for Applicants : Mr. V.S. Bedre
Advocate for Respondent No.1 : Mr. P.B. Shirsath
h/f Mr. L.B. Pallod**

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CORAM : P.R. BORA, J.

DATED : 21st SEPTEMBER, 2018.

PER COURT:-

1. Shri Bedre, the learned counsel appearing for the applicants submitted that because of inadvertence, the aforesaid matter was not attended to on 29.01.2018 and in such circumstances, the said has been dismissed by the Court for want of prosecution.

2. The learned counsel submitted that infact, the written notes of arguments were also filed on record and the matter was also heard by the previous Court holding the assignment. The learned counsel for the respondents does not have any objection for restoring the application. Hence,

(2)

the following order:

ORDER

- i) The order passed on 29.01.2018 is set aside.
- ii) First Appeal No. 241 of 2000 stands restored to its original file.
- iii) The Civil Application stands disposed of.
- iv) List the appeal for further consideration on 09.10.2018.

(P.R. BORA, J.)

Mujaheed//