IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

905 CIVIL APPLICATION NO. 3832 OF 2018
IN CA/10786/2015 IN SAST/5941/2010
WITH
CIVIL APPLICATION NO. 10786 OF 2015
IN
SAST/5941/2010
WITH
SECOND APPEAL NO. 92 OF 1990
WITH
CIVIL APPLICATION NO. 3189 OF 1990
IN SA/92/1990

BHUJANGRAO S/O PUNDALIKRAO HAMBARDE AND ANR
VERSUS
NILAWATIBAI GOVINDRAO GHOGARE DIED THROUGH LRS & OTHERS.

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Advocate for Applicant : Mr. Kadam Vikram S.
Advocate for Respondent Nos. 1A to 1E and 2 to 7 :
Mr. M. P. Kale h/f Mr. G. V. Sukale

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CORAM : V. K. JADHAV, J.
DATED : 22nd MARCH, 2018

PER COURT:-

1. Heard both sides. It appears that by order dated 07.07.2016, this Court has dismissed the Second Appeal No. 92 of 1990 alongwith all the pending Civil Applications and also the Civil Application No. 10786 of 2015 in Second Appeal Stamp No. 5941 of 2010. The present applicant, on 08.08.2016, has filed Civil Application No. 14481 of 2016 for restoration of Second

Appeal No. 92 of 1990 along with the pending Civil Applications therein. By order dated 10.02.2017, this Court has allowed the Civil Application No. 14481 of 2016 in terms of prayer clause (A) and restored the Second Appeal. However, even though there is a specific prayer (A) in Civil Application No. 14481 of 2016 to restore Second Appeal No. 92 of 1990 alongwith the pending Civil Applications, only the Second Appeal No. 92 of 1990 is restored and the Civil Applications are shown as disposed of.

2. In view of the above and for the reasons stated in the Civil Application No. 3832 of 2018, the same is allowed in terms of prayer clause (A) and disposed of accordingly.

3. So far as Civil Application No. 10786 of 2015 is concerned, heard both sides. The learned counsel for the respondents submits that the applicants are already impleaded as appellants in Second Appeal No. 92 of 1990 and in fact there is no necessity to file this Civil Application for a separate Appeal. The learned counsel submits that, however, the same would not cause any prejudice and the Application may be considered in terms of its prayers.

4. In view of the above submissions and for the reasons stated in the Civil Application, the Civil Application No. 10786 of 2015 is allowed in terms of prayer clause (A). Office to register Second Appeal Stamp No. 5941 of 2010 and place before the Court for hearing on the next date alongwith Second Appeal No. 92 of 1990.

5. Stand over to 05.04.2018.

(V. K. JADHAV, J.)

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