

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

CIVIL APPLICATION NO. 5894 OF 2017 IN RC/1048/2010
WITH CA/5895/2017 IN RC/1048/2010

ANANT UTTAMRAO KADBHANE(DIED) THR LRS PRAMILA ANANTRAO
KADBHANE AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for Applicants : Mr. G. K. Naik Thigle.
AGP for Respondents No. 1, 2 : Mr. B. V. Virdhe.
Advocate for Respondent No.3 : Mr. B. R. Survase.
...

CORAM : K.K. SONAWANE, J.

DATED : 15th JUNE, 2018.

Order :-

Heard learned counsel for applicants-original claimants and learned AGP for respondents No. 1, 2. Perused the application. The learned counsel for applicants undertakes to deposit the deficit court fees within two weeks after restoration of proceedings on record. He prayed to allow the application.

2. In view of reasons mentioned in the application and submission advanced at bar, there is no impediment to allow the application. Accordingly, application stands allowed in terms of prayer clause 'B' and 'C'. The delay caused for filing present application is hereby condoned. The order of abatement of appeal is hereby recalled. The proceedings of First Appeal (Stamp) No. 16913 of 2007 be restored at its original stage subject to condition that applicants shall remove office objections notified on behalf of Registrar within period of

two weeks from the date of restoration of said proceedings, failure to which, the present order shall stand vacated automatically without further reference to this Court. After restoration of the proceedings, the applicants are permitted to bring legal heirs of the deceased appellant No.3 Dattatray s/o. Uttamrao Kadbhane on record and shall carry out amendment within two weeks.

3. The applications stand disposed of in above terms.

[K. K. SONAWANE]
JUDGE

rrd.