

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

912 CIVIL APPLICATION NO.1269 OF 2013
IN SA/430/1994 WITH CA/5275/2015 IN SA/430/1994

DATTATRAYA BABARAO KATEMPALLE (DIED) & OTHERS..
VERSUS

MADHAVRAO BALWANT HAWA (DIED)& OTHERS.

...

Advocate for Applicant : Shri V.Bhavthankar..

CORAM : P.R.BORA, J.

DATE : 11th July, 2018.

PER COURT :

1) Heard Shri Bhavthankar, learned counsel for applicants. The learned counsel submitted that the appellant was directed to submit on record paper book within 12 weeks and it was a conditional order indicating that if the said order is not complied with, the appeal would stand dismissed automatically. The learned counsel further submits that inadvertently, the paper book could not be submitted and as such, the appeal stood dismissed in pursuance of the order passed on 26.9.2011.

2) Now, the learned counsel undertakes to

place on record the paper book within a week.

3) In view of the undertaking so given, the appeal stands restored to its original file. CA for restoration stands disposed of.

4) In CA No.5275/2015 though the proposed legal heirs of deceased respondent No.1 are duly served, none of them has entered appearance in the matter. Perused the civil application. Having regard to the contents of the civil application, CA No.5275/2015 is allowed and disposed of. Necessary amendment be carried out within two weeks.

5) List the appeal for final disposal after two weeks.

(P . R . BORA)
JUDGE

bdv/