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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1080 OF 2017
IN
WRIT PETITION NO.5153 OF 1993

Yesabai D. Mandale, since deceased
through Her L.Rs. - Mira D.Chavan & Ors.

...Applicants /
...Petitioners

V/s.
Shankar D. Patil & Anr.

...Respondents

Mr.Kalpesh Patil for the Applicants / Petitioners.

Mr.Umesh Mankapure for the Respondents.

CORAM : R.D. DHANUKA, J.
DATE : 28TH JUNE, 2018.

P.C. :-

1. By this civil application, the applicants seek condonation of delay of 4 years and 63 days in filing the civil application and seek restoration of the Writ Petition No.5153 of 1993 which was dismissed for default by an order dated 8th January, 2013.

2. Heard learned counsel appearing for the parties. No affidavit in reply has been filed. The applicants have made out a case for recall of the order dated 8th January, 2013 however, on payment of costs of Rs.5,000/- which shall be paid by the applicants to the Kirtikar Law Library within two weeks from today. A copy of the receipt shall be shown to the learned Sheristadar of this Court within one

week from the date of making payment of the said costs.

3. The Writ Petition No.5153 of 1993 is accordingly restored to file. The order dated 8th January, 2013 is recalled.

4. The civil application is accordingly disposed of in aforesaid terms.

(R.D. DHANUKA, J.)