

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 126 OF 2015
IN
SECOND APPEAL NO. 538 OF 1992**

Shri Mahadev Anna Mahadik
(since Deceased Through Legal Heirs)

And Ors

...Applicants

Versus

Smt. Kamalabai W/o. Vithal Bichitkar

And Others

...Respondents

Ms.Gitanjali Koli i/b Mr.Vijay Killedar for the Applicants.

Mr.Pandit Kasar for Respondent No.2.

CORAM : M. S. SONAK, J.

DATE : 21st FEBRUARY 2018

P.C.

1. The Civil Application No.126 of 2015 is for restoration. There is 9 days delay in applying for restoration. The delay has been satisfactorily explained.

2. There is an explanation for absence on the date when the appeal came to be dismissed for non-prosecution. Taking all these into consideration, the Civil Application seeking restoration is hereby allowed. The order dismissing the appeal and the Civil Application therein for non-prosecution are recalled. This shall all

be subject to the applicants pay cost of Rs.5,000/- to the respondents. The amount of cost to be deposited in this Court within two weeks from today, if no such costs are deposited, then this application shall be deemed to have been dismissed without further any reference to this Court.

3. The Civil Application No.126 of 2015 is disposed of in the aforesaid terms.

(M. S. SONAK, J.)