

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

**CIVIL APPLICATION NO. 190 OF 2018
IN
CIVIL REVISION APPLICATION NO. 477 OF 2015**

Dattatray Pandari Bhole & Anr.	...	Applicants
V/s.		
Dattatray Sahebrao Shelke & Ors.	...	Respondents

- Ms.Manjiri S. Parasnis for the Applicants.
- Mr.Ashok M. Misal for the Respondents.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 10th APRIL, 2018.

P.C. :

- 1] Heard learned counsels for the parties.
- 2] This is an application for condonation of delay of 1 year and 4 months in filing the present Civil Application for recalling the order dated 26th August 2016 passed by this Court in Civil Revision Application No. 477 of 2015.
- 3] The reason given for condonation of delay is that, on 22nd September 2016 Registrar (Judicial-II) has passed conditional order to supply copies, which order was not complied with. According to learned counsel for the Applicant, he has immediately lodged the affidavit of service on 20th December 2017. However, by that time, the

Civil Revision Application was already dismissed.

4] Learned counsel for the Respondents opposes this application. However, in the interest of justice, the application is allowed and the delay is condoned subject to payment of costs of Rs.5,000/- (Rs. Five Thousand Only) payable by the Applicants to the Respondents within a period of two weeks from today.

5] Needless to state that, in case of failure to pay the costs within the stipulated time, the Application will stand automatically dismissed without further reference to this Court.

6] Civil Application is allowed in terms of prayer clauses (a) and (b).

[DR.SHALINI PHANSALKAR-JOSHI, J.]