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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1043 OF 2017
IN
APPEAL FROM ORDER NO.319 OF 2011**

Gajanan Laxman Wagh	...	Applicant.
V/s.		
Shakuntala Gangadhar Udawant	...	Respondent

None for the applicant.
Mr. Ashok B. Tajane, for respondent

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 16th OCTOBER, 2018.

P.C. :

- 1] None for the applicant.
- 2] Heard learned counsel for the respondent.
- 3] This application is for restoration of the Appeal from Order No.319 of 2012, which was dismissed for non prosecution by order dated 24.7.2012.
- 4] There is delay of 169 days in filing this application and no sufficient cause is given. Apart from that learned counsel for respondent pointed out that the sole respondent has already died. The applicant is aware of the said fact, as applicant has brought on record the legal heirs of respondent in the suit long back in the trial Court. However, in this appeal no such application for bringing legal heirs on record is not filed.
- 5] In view, thereof, application stands dismissed as abated.

[DR.SHALINI PHANSALKAR-JOSHI, J.]