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

**CIVIL APPLICATION NO. 1608 OF 2016
IN
FIRST APPEAL NO. 344 OF 1995**

M/s R.M.Bhandari Engineers &
Contractors & Anr.

...Applicants/Appellants

VS

The Administrator, For & on behalf
of Nashik Municipal Corporation
Nashik

...Respondent.

.....

Mrs Shruti Tulpule for the Applicants/Appellants.

Mr Murlidhar Patil for the Respondent.

.....

**CORAM : K.K.TATED, &
B.P.COLABAWALLA, JJ.
JUNE 25, 2018.**

P.C. :

Heard learned counsel for parties.

2 By this Civil Application, the applicant is praying for restoration of First Appeal No. 344 of 1995 which stand disposed of by an order dated 13th January, 2009.

3 Considering the submissions made by the learned counsel for the applicant, we are of the opinion that the applicant has made out a case for allowing the present Civil Application in view of the Apex Court order dated 26th February, 2016 in Civil Application No.1856 of 2016 and more particularly in paragraph Nos. 16 and 17.

4 Learned advocate for the respondent has not seriously opposed the Civil Application.

5 In view of this, the following order is passed:

- (a) The order dated 13th January, 2009 passed by this Court in First Appeal No. 344 of 1995 is recalled;
- (b) First Appeal No. 344 of 1995 is restored to file for hearing on its own merits;
- (c) The Civil Application stands disposed of accordingly;
- (d) No order as to costs.

(B.P.COLABAWALLA, J.)

(K.K.TATED, J.)