

Sarnobat

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

**SECOND APPEAL NO. 335 OF 2014
ALONGWITH
CIVIL APPLICATION (STAMP) NO. 20821 OF 2018**

Smt. Sakhubai Mahadu Holkar,
(Since deceased through her legal heir)
Shri Santosh Nivrutti Holkar. ... Appellant.

Vs.

Shri Omprakash Dagadu Gorade & Anr. ... Respondents.

Mr. Niranjan P. Bhavake I/by Tejesh Dande & Associates, for the Appellant
Mr. T. D. Deshmukh, for the Respondent No. 1.

CORAM : A. M. DHAVALÉ, J.

DATE : 24th AUGUST, 2018.

P. C. :

1. The sole appellant had died on 19th August, 2016 and application for bring the LR's on record was moved after one year and 29 days. The respondents were served on 26th March, 2018 and when the matter was not on board, on the next day it was taken on board and ex-parte order was passed. No fair opportunity was given to the respondent to contest the application. Hence, the order dated 27/03/2018 is recalled.

2. The respondent shall file reply within 15 days and matter shall be decided on its own merit. Civil Application (St.) No. 20821/2014 is disposed of.

Stand over to 28th September, 2018.

[A. M. DHAVALÉ, J.]