

SAS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.369 OF 2017

IN

CIVIL APPLICATION NO.751 OF 2017

IN

SECOND APPEAL NO.536 OF 1994

Sitabai Ramchandra Bane (since deceased)

through LRs. & Ors.

..Applicants.

V/s.

Smt. Anandabai Bhiva Bane (since deceased)

through LRs. & Anr.

..Respondents.

Mr.L.S.Gaikwad I/b. S.H. Joshi for the applicants.

Ms.Alka Javeri h/f. Mrs.Teja Katdare for respondent No.2.

CORAM : A.M.DHAVALA, J.

DATE : SEPTEMBER 26, 2018

P.C.:-

Heard learned counsel for the parties.

2. Second Appeal No.536 of 1994 was dismissed in default on March 2, 2017.

3. Civil Application No.751 of 2017 for restoration of the

Second Appeal was fixed on September 8, 2017. The learned advocates agree that the matter was fixed at 3.00 p.m. as per the board published, but it was taken up in the morning and was dismissed in default by an order dated September 8, 2017.

4. Considering this facts that Civil Application No.369 of 2017 is allowed and Civil Application No.751 of 2017 is restored to file.

5. Learned advocate Ms.Alka Jhaveri holding for Mrs.Teja Katdare waives service for respondents in Civil Application No.751 of 2017.

(A.M.DHAVAL, J.)

**Srikrishna
Ananth
Sharma**

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by Srikrishna
Ananth Sharma
Date:
2018.09.28
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