

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.183 OF 2016
IN
CIVIL APPLICATION NO.1023 OF 2015
IN
SECOND APPEAL NO.417 OF 2013

Shri Changdev Balu Bodare ... Applicant

Vs.

Shri Mahadev Balu Bodare & Ors. ... Respondents

Mr.S.R. Ghanavat i/b V.S. Talkute for the Applicant
Mr.Shailesh Chavan i/b Milind Deshmukh for Respondent No.1

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **APRIL 17, 2018**

P.C.:

1. Civil Application No.183 of 2016 is for restoration of Civil Application No.1023 of 2014 which was dismissed for default due to conditional order dated 5.10.2015. The Civil Application No.1023 of 2014 was for bringing on record the legal heirs of respondent No.2.
2. The learned Counsel for the applicant submits that in the application, the applicant inadvertently did not comply with the conditional order and, therefore, the said application was dismissed by order dated 5.10.2015 for non-compliance. The learned Counsel

submits that the applicants are ready to comply with the order and shall give notice to the proposed respondents i.e., the legal heirs of respondent No.2.

3. Respondent No.1 is present.

4. For the reasons mentioned the application and as the applicant is ready to comply with the order of issuing notices to the proposed respondents i.e., the legal representatives of respondent No.1, are already there on record, the conditional order of dismissal dated 5.10.2015 is hereby recalled. Civil Application No.1023 of 2014 is hereby restored to its original file and the order of issuance of notice is also revived.

5. As Civil Application No.1023 of 2014 is restored, the applicant is directed to furnish copies of the application to the Registry till 21.4.2018 and the Registry to issue notices immediately on or before 26.4.2018. The advocate for the applicant may serve the respondents by private notice and file an affidavit of service alongwith acknowledgment on or before the returnable date.

6. List the Appeal alongwith the stay application on 26.6.2018. It is made clear that if the compliance is not made as per schedule mentioned above, the application will be dismissed.
7. Civil Application No.183 of 2016 is disposed of accordingly.

(MRIDULA BHATKAR, J.)