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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**932 CIVIL APPLICATION NO.3509 OF 2019
IN FA/60/2003**

SOW.NIRMALA BABULAL KHAIRAJANI AND ANR
VERSUS
M/S.C.NARSNI ROADWAYS AND ORS

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Advocate for Applicants : Mr. Kasliwal Anil H.
Advocate for Respondent No.1 : Mr. L.R. Thakur h/f Mr. G.S.
Patil

Advocate for Respondent No.3 : Mr. S.V. Kulkarni
Advocate for Respondent No.6 : Mr. R.C. Bora h/f Mr. P.P.
Bafna

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**CORAM : P.R. BORA, J.
DATED : 07th March, 2019.**

PER COURT:-

1. Heard Shri Kasliwal, the learned counsel appearing for the applicants.

2. The learned counsel submits that it was the mistake on his part that he could not point out to this Court on 15.01.2019 that, First Appeal No.60 of 2003 was restored to its original file vide order passed by this Court on 28.08.2009 and hence, the appeal has been disposed of by this Court observing that the same was decided by the division bench along with First Appeal No.248 of 2000. The facts which are submitted by Shri Kasliwal are not disputed

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by Shri Upadhye. The record also supports the contention raised by Shri Kasliwal. In view of the above, the following order is passed:

ORDER

- i) The order passed by this Court on 15.01.2019 in the present first appeal is recalled.
- ii) First Appeal No.60 of 2003 stands restored to its original file.
- iii) List the said appeal for final disposal on 29.03.2019.
- iv) The civil application stands disposed of.

(P.R. BORA, J.)

Mujaheed//