

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

**CIVIL APPLICATION NO.1253 OF 2019
IN
SECOND APPEAL NO.671 OF 2015**

Himmatrao Namdeo Hasabe & Anr. .. Applicants
Vs.
Mandakini Balkrishna Kulkarni & Ors. .. Respondents

Mr.M.B. Deshmukh for the applicants.
None for the respondents.

**CORAM : R.D.DHANUKA, J.
DATE : 16th September 2019**

P.C.:

. The contesting respondents are served. None appears for the contesting respondents though served. No affidavit-in-reply is filed.

2. By this civil application, the applicants seek condonation of delay of 3 years and 33 days in filing the application and seek to recall of the order dated 9th September 2015 passed by this Court.

3. Mr.Deshmukh, learned counsel for the applicants states that private paper book could not be filed due to unavoidable circumstances and undertakes to file private paper book within four weeks from today. Undertaking is accepted.

4. Delay in filing the application is sufficiently explained in the civil application. For the reasons recorded in the civil application,

civil application is made absolute in terms of prayer clauses (a) & (b) on the condition that the applicants file private paper book within four weeks from today and shall serve a copy thereof upon the respondents' advocate simultaneously. If the private paper book is not filed within four weeks from today, the order passed by this Court today to stand vacated without further reference to the Court. It is made clear that no further extension of time would be granted. No order as to costs.

R.D.DHANUKA, J.