

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

**CIVIL APPLICATION NO. 166 OF 2019
IN
SECOND APPEAL NO. 538 OF 1992**

Mahadeo Anna Mahadik
Since deceased – Legal Heirs
1-A. Suresh Mahadeo Mahadik and others ... Applicants
Versus
Kamalabai Vithal Bichikar and others ... Respondents

.....
Mr. Vijay Killedar for the Applicants.
Mr. Pandit Kasar for Respondents.
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**CORAM : SANDEEP K. SHINDE, J.
DATE : 21st JANUARY, 2019.**

P. C.:

1. Not on board. Taken on board.
2. Heard learned Counsel for the applicants.
3. It is an application for restoration of the appeal, which was dismissed for default on 29th November, 2018.
4. Learned Counsel for the respondents has strenuously opposed this application. He has pointed out that the appeal was also dismissed on more than one occasion, but was restored, time and again and the cost was imposed.

5. As and by way of indulgence, since the appeal has been admitted in 1992, I am inclined to grant this application subject to cost of Rs.25,000/-. The applicants shall pay the cost to the respondents on or before 25th January, 2019. Subject to payment of cost, the appeal shall stand restored.

6. Civil application is disposed of.

7. Place the second appeal for final hearing on 7th February, 2019 on supplementary board.

(SANDEEP K. SHINDE, J.)