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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1609 OF 2018
IN
SECOND APPEAL NO.635 OF 1990

Shankar K. Shinde & Ors. ...Applicants

IN THE MATTER BETWEEN :

Rangrao S. Shinde Shinde & Ors. ...Appellants

V/s.

Kondi S. Shinde, since deceased
through His L.Rs. - Rajan K. Shinde & Ors. ...Respondents

Mr.Prabhanjan Gujar for the Applicants.

Mr.Sean Wassoodew with Mr.Rupesh Mandhare i/b Mr.E.A. Sasi for
the Appellants in both the Second Appeal.

CORAM : R.D. DHANUKA, J.
DATE : 10TH OCTOBER, 2019.

P.C. :-

1. By this civil application the applicants seeks condonation of delay of 62 days in filing this application and seeks recall of the orders dated 24th November, 2016 and 22nd December, 2016 passed by this Court disposing of Second Appeal Nos.349 of 1990 and 635 of 1990 in absence of the applicants (original respondents).

2. Heard learned counsel appearing for the parties and have perused the averments made in the civil application. The applicants have explained the delay in filing this civil application and also justified remaining absent before this Court when the matter was

called out for hearing and final disposal.

3. Mr.Wassoodew, learned counsel appearing for the appellants states that if this Court is inclined to recall of the said orders dated 24th November, 2016 and 22nd December, 2016 passed by this Court, Second Appeal Nos.349 of 1990 and 635 of 1990 shall be heard immediately. Statement is accepted.

4. The orders dated 24th November, 2016 and 22nd December, 2016 are recalled. Second Appeal No.635 of 1990 is restored to file.

5. Civil Application No.1609 of 2018 is disposed of on aforesaid terms.

6. Place Second Appeal No.635 of 1990 on board for hearing and final disposal in the week commencing from 11th November, 2019.

(R.D. DHANUKA, J.)