

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

**CIVIL APPLICATION NO.582 OF 2019
IN
SECOND APPEAL NO.738 OF 2015**

Champabai Bajrang Uthale and ors. ... Applicants

IN THE MATTER BETWEEN

Champabai Bajrang Uthale and ors. ... Appellants

Versus

Indubai Bajrang Uthale ... Respondent

.....

Mr. Benimadhav H. Goswami h/f Mr. P.R. Arjunwadkar for the Applicants.

None for the respondent.

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CORAM : M. S. KARNIK, J.

DATE : 26th APRIL, 2019.

P. C.:

1. Heard learned counsel for the applicants.

2. This is an application filed by the original-applicants for restoration of Second Appeal which is dismissed in default by this Court on 18.07.2018. The learned counsel for the applicants had served the copy of this application on the learned counsel for the respondent who was appearing in Second Appeal. For the reasons mentioned in the application, the delay of 33 days in filing the application deserves to be condoned and further, for the

reasons mentioned in the application, the order dated 18.07.2018 deserves to be recalled. The Second Appeal No. 738 of 2015 is restored .

3. Civil Application is allowed.

(M. S. KARNIK, J.)