IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1566 OF 2019
IN
CIVIL APPLICATION ST. NO. 7911 OF 2016
IN
SECOND APPEAL NO. 178 OF 1999

Haji Nabilal Husain Nadaf (since deceased) through Lrs. ..Applicants.

v/s.

Shri Gajanan Maharaj Sansthan Shegaon & ors. ..Respondents.

Mr. Prakash Mahadik, advocate for applicants.
Mr. A.R. Patil i/b. Mr. Machindra A. Patil, advocate for respondent.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : DECEMBER 16, 2019.

P. C. :

1 This is an application seeking the relief of recalling the order dated 19/12/2016 passed by Judicial Registrar thereby Civil Application for bringing legal heirs on record was dismissed for want of prosecution. Needless to say that there is delay of one year and 27 days in filing the said application. The said application seeking restoration was not circulated. However, learned Counsel for the respondent has circulated the matter for expeditious hearing since the decree has been stayed since 2016. Learned Counsel for the applicant has submitted

that since the matter was circulated for expeditious hearing, he had mentioned that the application has been filed to bring legal heirs on record. In view of this, the application deserves to be allowed, subject to payment of cost of Rs. 50,000/- to be paid to Nargis Dutta Memorial Cancer Hospital, Barshi within 3 weeks. Ordered accordingly.

2 Amendment to be carried out. Legal heirs to be brought on record and matter be fixed for final hearing on 30/1/2020.

[SMT. SADHANA S. JADHAV, J.]

Talwalkar