

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
931 CIVIL APPLICATION NO.191 OF 2020
IN CA/10973/2019**

BHAU BALA KHODAVE
VERSUS
VITTHAL DHARU KAMBLE DIED LRS. PANDIT OTHERS

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Mrs.M.A. Kulkarni, Advocate for applicant.
Mr.Vivek Bhavthankar, Advocate for respondent no.2.
Mr.P.P. Dama, Advocate for respondent nos.1/1 to 1/4.

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CORAM: V.L. ACHLIYA, J.
DATE : 08.01.2020

ORAL ORDER:

This application is taken out seeking review/recall of the order dated 09.09.2019 for the reasons set out in detail in the application.

2. Heard learned counsel for the applicant and the respondents.

3. In brief, it is the contention of learned counsel for the applicant that the Civil Application No.10973/2019 was filed seeking deletion of names of respondent nos.1 and 2 under wrong impression that legal heirs of respondent nos.1 and 2 are not appearing in main appeal. Subsequent to the order dated 09.09.2019, the applicant realized that the legal heirs of respondent nos.1 and 2 are

already on record in appeal. In that view, order dated 09.09.2019 be recalled as same was passed on the wrong information the applicant carrying in matter.

4. Learned counsel Mr.Bhavthankar for non-applicants i.e. legal heirs of respondent nos.1 and 2 in the main appeal submits that he has no objection to allow the application and recall the order.

5. In view of the submissions advanced, I am of view, the order dated 09.09.2019 deserves to be recalled and the Civil Application seeking permission to bring on record the legal heirs deserves to be disposed of as withdrawn. Accordingly, the order dated 09.09.2019 is recalled. Civil Application No.10973/2019 is disposed of as withdrawn.

6. Civil Application No.191 of 2020 is disposed of in above terms.

[V.L. ACHLIYA]
JUDGE