

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.8562 OF 2019
IN SA/214/1991

RANGNATH BHIKAJI CHANDUDE (DIED) 1A SAILINATH RANGNATH
CHANDUDE AND OTHERS
VERSUS
GOVIND LAHANU AWATE (DIED) THROUGH L.RS. 1A TULSIRAM
GOVIND AWATE AND OTHERS

Mr.K.H. Surve, Advocate for the applicants.

Mr.P.P. Dawalkar, Advocate for the respondents.

CORAM : S.M.GAVHANE,J.

DATED : 16.01.2020

P.C. :-

. Heard learned counsel appearing for the parties.

2. The applicants, who are appellants, have moved this application to recall order dated 11.07.2019 in Second Appeal No. 214 of 1991 dismissing said appeal and to restore it to the original file.

3. Learned counsel appearing for the applicants submitted that on 11.07.2019, he was unable to be at the disposal of this Court as he was held up in another Court and therefore the order may be set aside and the appeal may be restored. He submitted that he is ready to workout the matter within 2-3 days.

4. Learned counsel appearing for the respondents pointed out that the appeal was dismissed twice and therefore request made by the applicants may not be considered.

5. Considering the submissions made by the learned counsel appearing for the applicants and the grounds mentioned in the application, it is just to restore the appeal by recalling the order as prayed. Therefore, the application is allowed in terms of prayer clause (B).

6. As the appeal is of 1991, fix the appeal for final hearing on 06.02.2020.

[S.M.GAVHANE,J.]