

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

CIVIL REVISION APPLICATION NO. 47 OF 2016

Smt Malhanbai Roshan Tadvı and others ... Applicants

Versus

Bhikan Sandu Tadvı (Died)

Through Lrs

1. Husen Bhikan Tadvı and others ... Respondents

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Mr. A. S. Jadhav, Advocate h/f Mr. P. R. Katneshwarkar, Advocate for applicants

Mr. Ravindra D. Bhamare, Advocate h/f Mr. A. G. Talhar, Advocate for respondent Nos. 1, 3 to 5

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CORAM : R. G. AVACHAT, J.

DATED : 09th AUGUST, 2021

PER COURT :-

. This revision application is pending since long i.e. 2016. Respondent No.2 is reported to be dead. No steps have been taken to bring on record his legal representatives. The order under challenge in this revision application is the order setting aside the judgment and decree passed in Regular Civil Suit (R.C.S.) No.98 of 1991 as it was passed exparte. The said order was passed in an application moved under Order 9 Rule 13 of the Code of Civil Procedure.

2. Since the matter deserves to be heard on merits by the trial Court and the applicants herein have received the amount of cost imposed by the trial Court under the impugned order and for long the steps have not been taken, this Civil Revision Application is disposed of with a direction to the trial Court to decide the suit on its own merits expeditiously.

[R. G. AVACHAT, J.]

SMS