

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 16073 OF 2022
IN SECOND APPEAL NO. 615 OF 1992

REWANAPPA KASHINATHAPPA BARULE AND ANOTHER
VERSUS
MARUTI MALBA HANDE AND OTHERS

...
Advocate for Applicants : Mr. M.D. Narwadkar
Advocate for Respondent Nos.1/A-i to v and 1/B : Mr. G.K. Sontakke
....

CORAM : RAJESH S. PATIL, J.
DATE : 2nd December, 2022

PER COURT :

1. This Civil Application is filed for recalling of order dated 25th April, 2022 and for restoration of the Appeal against respondent Nos.2 to 4. By order dated 25th April, 2022 this Court had directed applicants to take steps against respondent Nos.2 to 4 within six (6) weeks'. In absence of the same, the Second Appeal was supposed to be dismissed automatically without reference to this Court.

2. Since applicants were not able to take appropriate steps within six (6) weeks' of passing of order dated 26th April, 2022 Second Appeal stood dismissed automatically. Hence, this Civil

Application.

3. Learned Counsel for respondent No.1 opposes this Civil Application and further states that if this Civil Application is allowed, heavy costs should be imposed on the applicants.

4. I have gone through the contents of the Civil Application and after hearing the submissions of learned Counsel for applicants so also learned Counsel for respondent No.1, I am satisfied, with this Civil Application is allowed, however, subject to costs.

5. Hence, Civil Application is allowed in terms of prayer clause 'A', subject to cost of Rs.5,000/- (rupees five thousands only) to be paid by the applicants to the respondents within a period of two (2) weeks from today.

6. Civil Application is disposed off.

[RAJESH S. PATIL]
JUDGE