

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

**CIVIL APPLICATION NO. 9126 OF 2022
IN SA/218/2018**

Prabhakar Shivshankarappa Tale
(deceased through legal heirs)
Shakuntala Prabhakar Tale and others .. Applicants

Versus

Maharudra Ganpatiappa Tale and others .. Respondents

Mr. Mukul S. Kulkarni, Advocate for the Applicants.

CORAM : KISHORE C. SANT, J.

DATED : 27th OCTOBER, 2023.

P. C. :-

. This application is for restoration of second appeal that was dismissed by this Court on 26.02.2022. The appeal was dismissed for want of taking steps pursuant to the order passed by the Registrar. Thereafter the same was restored by order dated 16.07.2019 with a condition to deposit cost of Rs. 1,000/- (Rs. One Thousand only) with the High Court Legal Services Sub Committee, Aurangabad within two (02) days. It is informed that within two (02) days the said amount could not be deposited and therefore, the matter could not be restored. This Court was moved for extension of time to deposit the cost of Rs. 1,000/- (Rs. One Thousand only). However, this Court by order

dated 26.02.2022 observed that, the movement, the amount was not deposited within two (02) days the earlier order came into effect and there was no question of restoration of the appeal and the said request was made after two and half years and in that view the request was rejected.

2. It is now this application is moved. However, to give a fair chance to the applicants/appellants the matter shall stand restored to its original status. Looking to the conduct of the parties, the applicants to deposit Rs. 10,000/- (Rs. Ten Thousand only) within a period of two (02) weeks from today as condition precedent for restoration of the appeal.

3. With this, the civil application is disposed off.

(KISHORE C. SANT, J.)

PS.B.