

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

**CIVIL APPLICATION NO. 10138 OF 2022
IN SA/91/2016**

Bhatabai Bhimrao Patil
and others

.. Applicants

Versus

Atmaram Shankar Patil (Died)
Through L.Rs.
Gokul Atmaram Patil and another

.. Respondents

Mr. Y. R. Neb, Advocate h/f Mr. A. B. Kale, Advocate for the Applicants.
Mr. M. G. Kochar, Advocate h/f Mr. B. R. Waramma, Advocate for
Respondents

CORAM : KISHORE C. SANT, J.

DATED : 24th AUGUST, 2023.

P. C. :-

- . Heard learned advocate for the applicants.
2. This application is moved for restoration of second appeal.
3. The second appeal was dismissed by order dated 04.05.2022 as abated since the sole respondent died during the period. Learned advocate for the applicants submits that, though the order was passed on 04.05.2022 he could not immediately get the knowledge. Though deceased died on 17.12.2015, the applicants had no knowledge of death of deceased respondent. After getting the knowledge of death of

respondent immediately thereafter they have preferred this application as stated above.

4. Considering the above, this application stands allowed.

5. The order dated 04.05.2022 is recalled. The Second Appeal No. 91 of 2016 stands restored. The applicants are permitted to show respondent Nos. 1A and 1B in this application as legal representatives of deceased respondent in the title clause of the appeal. The said compliance will be made within (02) weeks from today.

6. After restoration of second appeal, issue notice to respondents, returnable on 21.09.2023.

7. With this, the civil application stands disposed off.

(KISHORE C. SANT, J.)

P.S.B.