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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 922 OF 2023
IN
REJECTED CASE NO. 2342 OF 2013**

Shri. Virendra Dattajirao Dafle, ...Applicant

V/s.

Appayya Nagappa Wadar & Ors. ...Respondents
Since Deceased Thr. LR's & Ors.

Mr. Akshay Kulkarni i/b Mr. A. M. Kulkarni, for the
Applicant.

CORAM : MADHAV J. JAMDAR, J.

DATE : 07th FEBRUARY, 2023.

P.C.:

1. By order dated 19th August, 2013, this Court dismissed the Civil Application No. 964 of 2013 filed in Second Appeal (ST) No. 16096 of 2013 for non-prosecution. The said Civil Application was filed seeking condonation of delay in filing Second Appeal. Thereafter, the Applicant took out Civil Application No. 318 of 2015 seeking restoration of Civil Application No. 964 of 2013. However, the same was also dismissed for non prosecution by order dated 11th October, 2019.

2. The present Interim Application 922 of 2023 is taken

out for restoration of the Civil Application No. 964 of 2013.

3. For the reasons set out in the Interim Application, the same is allowed in terms of prayer clauses (a) & (b). The Civil Application No. 964 of 2013 is restored to file.

4. The Applicant is permitted to reconstruct the papers of Civil Application No. 964 of 2013 along with Second Appeal (ST) No. 16096 of 2013 within a period of eight weeks from today.

5. The order dated 19th August, 2013 of dismissing the Civil Application No. 964 of 2013 is also recalled and the said Civil Application No. 964 is restored to file.

6. Place the Civil Application No. 964 of 2013 on 6th April, 2023.

7. The Interim Application is disposed of in above terms with no order as to costs.

(MADHAV J. JAMDAR, J.)