

Arjun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO.132 OF 2022

IN

**REJECTED CASE NO.1310 OF 2010
[SECOND APPEAL (ST) NO.8675 OF 2009]**

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Smt. Kamlabai Shankar Wadekar & Ors. ...Applicants

In the matter between :

Kondiba Raghunath Wadekar & Ors. ...Appellants

(Since deceased through legal heirs)

Smt. Rangubai Kondiba Wadekar

(Since deceased)

1. Shri. Arun Kondiba Wadekar Ors.

V/s.

Smt. Tarabai Shivaji Wadekar (Deceased) ...Respondents

2. Shobha Vilas Kate & Anr.

Mr. P. B. Shah, for the Applicants.

CORAM : MADHAV J. JAMDAR, J.

DATED : JULY 05, 2023

P.C.:

1. Heard Mr. Shah, learned counsel appearing for the Applicants.

2. By the present Civil Application, the Applicants are seeking restoration of the Second Appeal (St) No.8675 of 2009.

3. By order dated 11th November, 2009 passed by the learned Registrar [Finance & Budget], the registration of the Second Appeal was directed to be refused if the objections are not removed within two weeks.

4. Mr. Shah, learned counsel appearing for the Applicants states that Mr. Rahul S. Kadam and Mr. Shantaram A. Tarale are the Advocates appearing for the Respondents. He states that they have been given intimation by e-mail, however, none appears for the Respondents. Mr. Shah, learned counsel states that, affidavit of service on the learned Advocates appearing for the Respondents will be filed within a period of two weeks from today.

5. The Respondents have not filed reply to the restoration Application. Although, the learned Advocates are served, none appears for the Respondents.

6. For the reasons set out in the Civil Application, the same is allowed in terms of prayer clauses (a) and (b).

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

[MADHAV J. JAMDAR, J.]