

Pallavi

Digitally
signed by
PALLAVI
MAHENDRA
WARGAONKAR
Date:
2023.06.28
10:24:21
+0530

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

INTERIM APPLICATION NO.4062 OF 2023

IN

SECOND APPEAL NO.419 OF 1997

Vinayak Daji Shitole (Since deceased Thr. LRs.)

Shri. Vitthal Vinayak Shitole and Ors. ...Applicants

Versus

Smt. Samabai Vitthal Jagtap (Deceased Thr. LRs.)

Kantila V. Jagtap and Ors. ...Respondents

- Mr. Sudhir Sadavarte, for the Applicants.
- Mr. Milind Deshmukh, for the Respondent Nos.4, 6 and 7.

CORAM : MADHAV J. JAMDAR, J.

DATE : 27th JUNE, 2023

P.C.:

1. Interim Application is taken out to recall the order dated 3rd December 2018 and for condonation of delay in filing the Interim Application. By said order dated 3rd December 2018, Second Appeal has been dismissed for non-prosecution.

2. Mr. Deshmukh, learned counsel appearing for the Respondents strongly opposes the application. However, for the reasons set out in the Interim Application, the same is allowed in terms of prayer clauses (aa) and (b) and the Second Appeal is restored to the file.

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

[MADHAV J. JAMDAR, J.]