

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.3459 OF 2025
AND
INTERIM APPLICATION NO.3450 OF 2025
AND
INTERIM APPLICATION NO.3458 OF 2025
AND
INTERIM APPLICATION NO.3451 OF 2025
IN
SECOND APPEAL NO.382 OF 1995**

**BHAIRVANATH TARUN MANDAL
VERSUS
VASANT TATOBA JADHAV (DECEASED) AND ORS**

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Mr. Saurabh M. Railkar, Advocate for Applicant.
Mr. Ishaan Kapse a/w Mr. Tejas patil, Advocate for Respondent Nos.1,
B, D, E.

...

**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 12th NOVEMBER, 2025.**

ORDER:-

**INTERIM APPLICATION NO.3459/2025
AND
INTERIM APPLICATION NO.3450 OF 2025**

1. The present application filed for recall of order dated 12.12.2024, dismissing Second Appeal with further prayer to restore Second Appeal to file and hear same on merit in interest of justice.
2. The Second Appeal No.382/1995 filed by appellant has been admitted vide order dated 26.04.2000 on substantial questions of law specified in ground nos.10 and 11 of Appeal Memo. During pendency of Appeal, respondent no.2 (original defendant no.2) expired.

Eventually, Appeal stood abated against him. Similarly, it has been abated against respondent no.1(c) vide order dated 04.10.2019.

3. On 12.12.2024, this Court recorded aforesaid events. The learned Advocate appearing for appellant sought time by way of last chance to take steps. Accordingly, conditional order was passed granting four weeks time to take steps with consequence of dismissal if steps are not taken. It appears that, applicant/appellant failed to take steps within time stipulated. In result, suffered dismissal of Appeal.

4. The present Interim Application is filed for recalling conditional order, which has taken effect of dismissal of appeal. The applicant has filed Interim Application No.3458/2025 to delete name of respondent no.1(a). Similarly, Interim Application No.3450/2025 is filed to set aside abatement order passed against respondent no.2 and bring respondent nos.2a to 2g as legal heirs in Second Appeal. Interim Application No.3451/2025 is filed seeking permission to delete name of respondent no.1(c).

5. In that view of matter and for reasons as stated in application and fact that applicant is litigating in respect of right over immovable property, application is allowed in terms of prayer Clauses (a) and (b).

6. In view of disposal of Interim Application No.3459/2025, Interim Application No.3450/2025 also stands allowed and accordingly disposed of.

**INTERIM APPLICATION NO.3458 OF 2025
AND
INTERIM APPLICATION NO.3451 OF 2025**

1. Heard learned Advocates appearing for respective parties.
2. For reasons stated in applications, applications are allowed in terms of prayer Clause (a) at the risk of appellant/applicant, keeping open effect of deletion of names of respondents for consideration at the time of final hearing of Appeal.

**(S. G. CHAPALGAONKAR)
JUDGE**