

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

**INTERIM APPLICATION NO. 711 OF 2026
IN
SECOND APPEAL NO. 15 OF 2005**

Akkatai w/o Dinkarrao Patil,
Since Deceased Through LRs.Applicants

In the Matter in Between :

Akkatai w/o Dinkarrao PatilAppellant

Vs.

Anandrao Dinkarrao PatilRespondent

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Mr. Ramdas Shelke with Ms. Vaishnavi Shelke & Mr. Nikhil Dharmadhikari, Advocate for Applicants.

Ms. Ketaki Patil, i/b. Mr. Abhijit Adagule, Advocate for Respondents.

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CORAM: MRS. VRUSHALI V. JOSHI,

DATED: 18th JUNE 2026

PC.:-

1. The Applicants, who are legal heirs of original Appellant have filed this application for restoration of appeal. There is delay of 353 days in filing this application for restoration. The Appeal was dismissed as the conditional order was passed as, 'if the paper book is not filed within a stipulated period, then it will automatically dismissed'. Accordingly, it was dismissed and the legal heirs of Appellant were not aware about the dismissal of appeal.

2. The counsel for Respondent objected to condone the delay and restore the appeal stating that the reasons given by the Applicants are not satisfactory.
3. Heard learned counsel appearing for both the parties.
4. Considering the reasons given in the application that the Applicants, who are legal heirs of original Appellant were not aware about the said conditional order and consequent dismissal of appeal, the delay is condoned, subject to payment of cost of Rs.25,000/- to Bombay High Court Kolhapur Bench Bar Association Ad-hoc Committee, within a period of four weeks from today.
5. The Registry to restore the Appeal on its original stage.
6. The Application is accordingly disposed of.

(MRS. VRUSHALI V. JOSHI, J.)

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