

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 8398 OF 2015
IN
APPEAL FROM ORDER ST. NO. 19683 OF 2015**

Indrabai Ambadas Pawar .. Applicant

Versus

Shaikh Gulam Hussain Sk. Noormiya
and others .. Respondents

Shri Chaitanya V. Dharurkar, Advocate for the Applicant.
Shri G. K. Thigle, Advocate for Respondent Nos. 2B to 2D, 3A to 3D.

**CORAM : S. V. GANGAPURWALA, J.
DATE : 23RD SEPTEMBER, 2015.**

PER COURT :

. Heard Mr. Dharurkar, the learned counsel for the applicant and Mr. Thigle, the learned counsel for all respondents in the civil application. Mr. Thigle, the learned counsel opposes the application on the ground that other defendants are not made parties in the present civil application. According to the learned counsel, present respondents have also filed appeal from order against the same impugned judgment and order of the lower Appellate Court. The learned counsel submits that, no cause muchless sufficient cause is spelt out in the application for

condonation of delay.

2. Mr. Dharurkar, the learned counsel for the applicant submits that, in fact, as per the order of remand the suit was to be decided within four months. However, even after one year the suit is not decided, as such the present applicant has filed the appeal. The construction is stalled and the property is in dilapidated condition. As such, the applicant has moved this Court.

3. Considering the reason given in the application, the application is allowed in terms of prayer clause "B". The civil application is disposed of.

4. Place A. O. St. No. 19683 of 2015 along with A. O. St. No. 1816 of 2015 for admission on 07.10.2015.

[S. V. GANGAPURWALA, J.]

bsb/Sept. 15