

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

**Civil Application No.2493 of 2016
In
First Appeal No.1540 of 2007**

Yasmin Begum w/o Abdul Rehimman
Shaikh & Others.

.. Applicants.

Versus

Upendra s/o Shamdas
And Others.

.. Respondents.

Shri. Vinesh C. Solshe, Advocate, for applicants.

Shri. S.L. Kulkarni, Advocate, for respondent No.4.

CORAM: T.V. NALAWADE, J.

DATE : 29th FEBRUARY 2016

ORDER:

1) Heard learned counsel for the original claimants. The application is filed for setting aside the order made by learned Registrar (Judicial) by which the matter as against respondent No. 3 owner was dismissed for not taking steps to serve. Learned counsel for the original claimant takes blame to himself. It appears that the matter was dismissed in the year 2008 and so the delay of more than 2800 days is caused.

2) In view of the contentions made in the application and the submissions made this Court holds that sufficient cause is shown. The application is allowed. Delay is condoned. Registrar's order is hereby set aside. The matter as against respondent No.3 is hereby restored. Paper publication of the notice as against respondent No.3 is allowed and it is made returnable on 12th July 2016.

Sd/-
(T.V. NALAWADE, J.)

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