

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

**Civil Application No.734 of 2015
In
Appeal from Order No. 32 of 2011**

Bharatkumar Uttamlal Shah
And Another.

.. Applicants.

Versus

Pradipkumar Amrutlal Shah
And Others.

.. Respondents.

Shri. Subodh P Shah, Advocate, for applicants.

Shri. R.R. Mantri, Advocate, for respondents 1,2,3,9 & 10.

CORAM: T.V. NALAWADE, J.

DATE : 29th JANUARY 2016

ORDER:

1) The application is filed for setting aside the order of dismissal and for restoration of the appeal. Heard both the sides.

2) It appears that no steps were taken to serve respondent No.5 and 6 in the appeal and so the appeal was dismissed for default. It appears that said respondent

are close relatives of the appellants. However, the suit filed for possession was dismissed and nothing could have been achieved by the present applicants/appellants by not taking steps in time and by protracting the matter. In view of these circumstances this Court holds that sufficient cause is shown. Delay, if any, caused is condoned. The application is allowed. The order of dismissal is hereby set aside and the appeal is restored to its original number.

3) Re-issue notice to respondent No.5 and 6 on the previous address and if new address is given on the new address. Private notice by registered post acknowledgment due is allowed. Notice is made returnable on 25th April 2016.

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

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