

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3808 OF 2016
IN FA/953/2004

NUJHATBEGUM SYED WAJIR ALI AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for Applicants : Mr. M.D. Narwadkar
AGP for Respondent No.1: Mr. A.M. Phule
.....

CORAM : V. K. JADHAV, J.
DATED : 6th JANUARY, 2017

PER COURT:-

1. Learned counsel for the applicants original claimants submits that the first appeal was admitted. However, at the time of admission of the first appeal, the appellants were directed to file private paper book within 8 weeks. The first appeal thereafter came to be dismissed for want of compliance of order dated 14.1.2005. Learned counsel submits that since the matter was admitted, it was not attended by the applicants as well as their counsel and therefore, delay has been occurred for filing application for restoration of appeal.

2. Learned A.G.P. has strongly resisted the application.

3. In view of aforesaid submissions, for the reasons stated in the

application and since the matter was admitted prior to its dismissal, I am inclined to allow this civil application with certain conditions.

4. In the result, civil application is allowed in terms of prayer clauses 1, 2 and 3 with direction that the applicants shall submit private paper book within three weeks from today. Civil application is accordingly disposed of.

(V. K. JADHAV, J.)

rlj/