

(1)

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

**CIVIL APPLICATION NO. 2649 OF 2017
IN
SE3COND APPEAL NO. 462 OF 1991**

Shaikh Chand Shaikh Peeran (DIED)
Through : Legal representatives

1A) Shaikh Isa Shaikh Chand,
age 58 years occupation service
R/o DoanChawl, Govindwadi, Kalyan District Thane

1B) Kahirunnisa Shaikh Chand,
age 60 years occupation household R/o as above.

Through: their Power of Attorney Holder
Shaikh Ibrahim Shaikh Gulab,
age 62 years occupation labour work
R/o Powerwadi, Gufaran Cablewala House,
at post Taluka Malegaon District Nashik

...PETITIONERS
(Original appellants)

VERSUS

Yasin Badruddin (DIED)
Through: Legal representatives:

1A) Mumtaj Bee Hameed Khan,
age 53 years occupation household
R/o H.No. 232, Ayyubnagar
at post Taluka Malegaon Dist. Nashik

1B) Nalma (Najma) Bee Shaikh Saeed,
age 51 years occupation household
R/o 97, Aman Nagar, Malegaon Dist. Nashik

1C) Hameeda Bee A. Hameed Khan,
age 49 years occupation household work
R/o H.No. 37, Abdullanagar, Malegaon Dist. Nashik

(2)

1D) Shaikh Khalil Shaikh Yasin,
age 48 years occupation shopholder
R/o Pilkhod Taluka Chalisgaon Dist. Jalgaon,
C/o Mumtaj Bee Hameed Khan (Rockelwala)
H.No. 232, 7th Lane, Ayyubnagar, Malegaon Dist. Nashik.
...RESPONDENTS
(Original respondents)

Mr P.R. Patil, Advocate, for petitioners.

CORAM : N.W. SAMBRE, J.

DATE : 26th July, 2017

ORAL ORDER

As the Second Appeal was dismissed in default on May 5th, 2016, the applicant moved an application for restoration of the Second Appeal, which was delayed by 99 days.

2. On 10th February 2017, this Court passed an order allowing the application in terms of Prayer Clause 'A' & 'B' and also issued notices to respondents.

3. Though appeal was restored and thereafter notices were served on the respondents, none appears for the respondents on second call.

(3)

4. In view thereof, it is clarified that the appeal stood restored to the file and added to final hearing in the week commencing from 21st of August 2017.

5. In the meantime, objections, if any, be removed; failing which, the appeal shall stand dismissed, without further reference to the Court.

6. With above observations, the Civil Application stands disposed of.

(N.W. SAMBRE, J.)

pjm