

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

**Civil Application No.15473 of 2016
And
Civil Application No.13619 of 2010
In
Review Application No.173 of 2009
In
Writ Petition No. 5367 of 2004**

Chairman Parali Vaijinath Co-operative
Housing Society, Ltd. Parali Vaijinath. .. **Applicant.**

Versus

Shaikh Mohd. Shaikh Nawaz (Died)
Through legal representatives
Shaikh Sattar S/o Shaikh Mohd
& Others. .. **Respondents.**

Shri. J.M. Murkute, Advocate, for applicant.

Shri. M.M. Choudhary, Advocate, for respondent Nos. 1/1
to 1/4.

Shri. Y.G. Gujarati, Assistant Government Pleader, for
respondent Nos.2 to 5.

Coram: T.V. NALAWADE, J.

Date: 8 MARCH 2018

ORDER:

1) Civil Application No.15473/2016 is filed for relief of restoration of Review Application No.173/2009 and also for condonation of delay caused in filing application for restoration.

2) Notice. It is waived by learned counsel for the respondents. Both the sides are heard.

3) In view of the contents of the applications and the submissions made this Court holds that as sufficient cause is shown, delay needs to be condoned. Learned counsel for the opponents contended that unfounded allegations are made against him and also against the Court but they can be ignored. The learned counsel for the applicant is taking blame to himself. In view of these circumstances this Court holds that matter needs to be restored. So the delay is condoned. Civil Application No.15473/2016 is allowed. The Review Application No.173/2009 is restored to its original stage. List the review application on 4-4-2018.

4) Due to the submissions made by the learned counsel for the respondents this Court makes it clear that pendency of the present review application does not mean stay to any proceedings pending either before the Civil Court or the Revenue Court. The authority, or officer, or Court is entitled to go with the same. If any

decree is pending for execution it can be executed to its fullest satisfaction. The learned counsel for the applicant undertakes to supply copy of the review application to the learned counsel for the respondents.

5) Civil Application No.13619/2010 is filed for bringing legal representatives of respondent No.1 - Shaikh Mohd. Shaikh Nawaz on record. The civil application is allowed. The legal representatives are to be shown on the record. Necessary amendment be made forthwith.

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

rs1