

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

**915 CIVIL APPLICATION NO.10819 OF 2018
IN SA/305/2011**

SHAIKH MAJEED SHAIKH JAMAL AND ORS
VERSUS
KADUBA SADASHIV LANGDE AND ORS

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Ms. Shaikh Mujtaba Gulam Mustafa, Advocate for the applicants

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 04th APRIL, 2019

PER COURT :

1 Heard learned Advocate appearing for applicants. Present application has been filed for setting aside the order passed by this Court in Civil Application No.7784 of 2017 dated 20.07.2017 and restoration of the application at its stage before the dismissal.

2 The respondents are served and learned Advocate Mr. P.F. Patni is appearing for respondent No.5. However, today he was absent in the morning session and for his appearance the matter was kept at 2.30 p.m., but at 2.30 p.m. also he is absent. Respondent No.5 has not filed any say to the application. That means, this application has gone almost uncontested. The

reason for the dismissal of the Civil Application No.7784 of 2017 was that the learned Advocate for the applicant was absent on that day. Learned Advocate for the applicants submits that he was busy in another matter and before he could reach the appeal was dismissed. In fact, that application was also for restoration of the earlier application i.e. for condonation of delay, by which the Second Appeal was dismissed on 02.09.2013. Now, since the application has gone uncontested and the Advocate is blaming himself for non remaining present, this application is allowed in terms of prayer clause 'B'. Place the matter for further consideration on 06.06.2019.

(Smt. Vibha Kankanwadi, J.)

agd