

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

P/1 CIVIL APPLICATION NO.8424 OF 2019
IN
SA/79/2019

CHANDRAKALA BABURAO BIRAJDAR & ANR.
VERSUS
SANJAY BABURAO BIRAJDAR AND ORS.

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Mr. V.P.Narwade h/f Manjushri Shendage-Narwade,
Advocate for Applicants.

Mr. M.V.Ghatge h/f Mr. R.P.Adgaonkar,
Advocate for R – 1.

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CORAM : V.L.ACHLIYA, J.

DATE : 19/07/2019

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ORAL ORDER :

1. The application is filed for setting aside the order dated 04/07/2019 and restoration of appeal for the reasons set out in detail in the application.
2. Heard learned counsel for applicants and respondents.
3. Considering the overall facts of the case, I am inclined to allow the application. The applicant is represented by Advocate engaged to represent her under legal aid. For the default of her Advocate appointed under legal aid, the applicant should not suffer. The applicant is a old aged woman. The order of dismissal of appeal may result serious consequences to applicant. I am, therefore, inclined to allow the application.

Accordingly the application is allowed. Order of dismissal of appeal is recalled. The appeal is restored to file.

4. List the appeal for admission on 06/08/2019.
5. The application stands disposed of in above terms.

[V.L.ACHLIYA]
JUDGE

KNP.