

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

946 CIVIL APPLICATION NO.9671 OF 2019
IN SA/556/2011

BANSI LAKADU PAWAR, DIED, THROUGH L.RS. BHARAT BANSI PAWAR AND
OTHERS

VERSUS

SHETKARI SAHAKARI SANGH, AKKALKUWA, THROUGH PRESIDENT

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Advocate for Applicants : Shri D.A. Mane h/f Shri Patil Milind

CORAM: V.L. ACHLIYA, J.

DATE: 18.10.2019

PER COURT :

1] The application is filed seeking restoration of appeal by setting aside order of dismissal dated 8.9.2017 passed by this Court for the reasons set out in detail in the application.

2] In brief, it is the contention of learned counsel for the applicants that while admitting the appeal, direction was given to submit the paper book within six months.

3] The respondent though served is absent. Shri V.P. Raje Advocate who appeared in the matter withdrew his appearance on account of taking back papers by the respondent from him.

4] Considering the cause assigned for recall of the order, I am of the view that the application deserves to be allowed. In case appeal is not restored, there is every likelihood that serious

prejudice may be caused to the appellants. On the contrary, if appeal is restored, the matter will be decided on merits. I am, therefore, inclined to allow the application in terms of prayer clauses (A) and (B).

5] After restoration of appeal, fresh notice of appeal be issued to respondent returnable on 2.12.2019.

6] Paper book in terms of earlier order be submitted before 2.12.2019.

7] S.O. to 2.12.2019.

(V.L. ACHLIYA, J.)