

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.6070 OF 2008
IN
FIRST APPEAL NO.297 OF 1996
WITH
FIRST APPEAL NO.297 OF 1996**

Unus Mohammed and Anr. ...Applicants/Appellants
Versus
Smt. Kishanpyari wd/o.Gulabchand
and Ors. ...Respondents

.....

Mrs. Anita A. Agarwal for the Applicants/Appellants.
Ms Nupur J. Mukherjee i/b. M/s. N.N. Vaishnawa and Co. for the
Respondent Nos.2 to 6.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 1st OCTOBER, 2019.

P.C.:-

By this application, the Applicants have sought to restore the appeal, which was dismissed for non prosecution by order dated 8th December, 2008. It is stated that the Respondent No.1 has expired and the Respondent Nos.2 to 6, who are the legal representatives of the Respondent No.1 are already on record. Statement is made that there are no other legal representatives of the Respondent No.1 other than the Respondent Nos.2 to 6.

2. In the light of the said statement, the application is allowed. The appeal stands restored. Necessary amendment to be made in the cause title of the Appeal.

3. The learned counsel for the Appellants and the Respondent Nos.2 to 6 state that considering the narrow controversy involved in the appeal, attempts will be made to settle the dispute amicably.

4. In view of above, stand over to **15/10/2019** under the caption of 'settlement'.

(SMT. ANUJA PRABHUDESSAI, J.)

Megha
Parab

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Megha Parab
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