

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

**CIVIL APPLICATION STAMP NO.1086 OF 2020
IN FIRST APPEAL NO.1258 OF 2009**

**KHAIRUNNISSA FAZLURRAHEMAN ANSARI & ANOTHER
VERSUS
SHRI MANSINGH POKARRAM & ANOTHER**

...
Advocate for the applicants : Mr.A.D.Pawar
Advocate for respondent no.2 : Mr.Bhushan B.
Kulkarni
...

**CORAM : V.L.ACHLIYA,J.
DATE : 09.01.2020**

P.C.

1] Learned counsel for the applicants – appellants tendered application across the bar seeking setting aside the order dated 15th June, 2010 passed by the Registrar to dismiss appeal against respondent no.1 with prayer to serve respondent no.1 afresh.

2] The application is taken on record. Application be registered.

3] Heard learned counsel for the applicants.

4] By order dated 22nd November, 2019 appeal preferred by the appellants came to be restored, by taking into consideration that Appeal was dismissed only for the reasons that the private paper book was not filed within stipulated period.

5] Learned counsel for the applicants-appellants submits that after restoration of the Appeal, it reveals that, by order dated 15th June, 2010 passed by the Registrar, Appeal has been dismissed as against respondent no.1. Due to some reason, fresh notice could not be issued and served upon the respondent no.1 in terms of order dated 22nd November, 2019.

6] In view of the reasons assigned and consequences to follow if the order is not recalled, I am of the view that the application deserves to be allowed in terms of prayer clause-B. Accordingly, the application is allowed in terms of prayer clause-B. The order passed by the Registrar, dismissing the Appeal against respondent no.1 dated 15th June, 2010, is set aside. Appeal is restored as against the respondent no.1.

7] Civil Application is disposed of in
above terms.

[V.L.ACHLIYA]
JUDGE

DDC