

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

**APPEAL FROM ORDER NO. 25 OF 2018
WITH
CIVIL APPLICATION NO. 3246 OF 2018**

Shaikh Sattar Miyabhai Qureshi

Died through his LRs.

A-1. Nurnisa Begum w/o Sattar Khureshi & Ors. ..Appellants

Versus

Padmnath Vishnupanth Shirshikar and others ... Respondents

....

Mr. A. G. Deshmukh, Advocate for appellants

Mr. B. S. Kudale, Advocate for respondents

....

CORAM : R. G. AVACHAT, J.

DATED : 21st DECEMBER, 2021

PER COURT :-

. Heard.

2. The challenge in this appeal is to the order dated 01.02.2018 rejecting Miscellaneous Civil Application No. 68 of 2015, moved by the appellant for setting aside the order of dismissal of appeal in default.

3. Learned Advocate representing the appellant before the District Court had withdrawn his appearance after service of notice

on the appellant way back in 2015. It appears that the appellant did not mark his appearance before the appellate Court.

4. It has, however, been mentioned that the Court on its own motion, issued notice to the appellant herein. The same has not been served. In view of this, the matter needs to be decided on its own merits. In the interest of justice, the impugned order herein is set aside, subject to costs of Rs.10,000/- to be paid to the other side.

5. The appellate Court shall hear and dispose of the appeal on its own merits within a period of six months from the date of receipt of copy of this order.

6. The appeal from order as well as civil application stand disposed of.

[R. G. AVACHAT, J.]

SMS