

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3870 OF 2020
IN SECOND APPEAL NO. 390 OF 2000

MOHD ABDUL HAKEEM ABDUL RAZZAK QURAISHI AND OTHERS
VERSUS
ABDUL BASHIR A. RAZZAK DECEASED LRS BABA A. BASHIR AND
OTHERS

...
Advocate for Applicants : Ms. A.N. Ansari
Advocate for Respondent Nos.4A to 4D : Mr. P.G. Rodge
....

CORAM : RAJESH S. PATIL, J.
DATE : 15th December, 2022

PER COURT :

1. This Civil Application is filed for setting aside the order of dismissal of Second Appeal and for restoration of the same.
2. By order dated 5th December, 2019, it was directed to the applicants to file private paper-book within three (3) weeks and on failure of the same the appeal would stand dismissed without reference to the Court.
3. The learned Counsel for applicants hereby submits that, before order dated 5th December, 2019 could be passed, they had prepared a private paper-book and had attempted to file the same in the Registry. However the Registry objected the same and

hence, they were supposed to file private paper-book afresh, therefore, there was a delay. There is delay of 23 days in filing this Civil Application.

4. The learned Counsel for the respondents opposes this application and states that, this is nothing but only delay tactics on behalf of applicants.

5. I have gone through the contents of the Civil Applications and after hearing both sides satisfied with the grounds made in the setting aside conditional order dated 15th December, 2019. In view of the fact that already the paper-book has been filed in the Registry. This Civil Application is requires to be allowed in terms of prayer clauses 'B' and 'C'.

6. The Second Appeal is added in the list of final hearing and should be taken up on Final Hearing Board as per its turn.

7. Civil Application is disposed off, accordingly.

[RAJESH S. PATIL, J.]