

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

943 CRA NO.103 OF 2022
WITH CA/9936/2022 IN CRA/103/2022

REHANBI AKBAR PATEL AND ORS
VERSUS
SHAIKH SAMAD SHAIKH ISSA AND ORS

...
Advocate for Petitioners : Mr. N.E. Deshmukh
Advocate for Respondent Nos. 1 to 4 : Mr. A.J. Patil

...
CORAM : ARUN R. PEDNEKER, J.
DATED : OCTOBER 18th, 2022.

PER COURT :

1. The plaintiffs filed a suit before the learned Civil Judge, Junior Division, Jalgaon bearing Regular Civil Suit No. 52/2016 for recovery of possession from tenants on the ground of arrears of rent and *bona-fide* requirements. In the said suit, written statement was filed. The Trial Court decreed the suit. Thereafter, appeal was filed with the delay of 509 days. The application for condonation of delay was dismissed by the appellate Court and consequently, the appeal was also dismissed.

2. In the present application, the applicants submits that they were not aware of the decree passed against them as it was not informed to them by their lawyer. In the interest of justice and to give applicants opportunity to defend their rights before the appellate Court, the impugned order of the appellate Court is set aside on the condition that the applicants pay rent at the rate of 2500/- p.m. to the respondents from July 2020. Arrears to be paid within two months from today. Current rent to be paid till 7th date of each month. In the event, the arrears is not paid, then the order of restoration of appeal would stand recalled without reference to the Court. After restoration of the appeal, the same is directed to be decided as expeditiously as possible, preferably within six months. Civil Revision Application is allowed accordingly in terms of prayer clause 'A'.

[ARUN R. PEDNEKER J.]

ssc/