

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 10174 OF 2018
IN SECOND APPEAL NO. 226 OF 1994

HARSHNAGAR SAHAKARI BHADEKARU MALKI GRUHNIRMAN
SANSTHA THROUGH CHAIRMAN-KONDIBA

VERSUS

SITARAM MAGANLAL SHUKLA LRS JAIPRAKASH AND OTHERS

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Mr. G.A. Gadhe - Advocate for Applicant

Ms. Y.S. Mulay h/f. Mr. M.M. Patil (Beedkar) - Advocate for
Respondent Nos.1/1 to 1/5 & 2/1 to 2/5

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CORAM : RAJESH S. PATIL, J.

DATE : 28th November, 2022.

PER COURT :

1. This Civil Application is filed by applicants for restoration of the Second Appeal which was dismissed by order dated 11th March, 2016.

2. It is recorded in the order dated 11th March, 2016 that, the learned Counsel appearing for the appellant had sought discharge as the learned Counsel for appellant. So also it was observed that, the Court notice was returned unserved. Hence, the Appeal is dismissed.

3. By the present application learned Counsel for applicant

prays that, order dated 11th March, 2016 be set aside and the Second Appeal is restored and be heard on merit.

4. Learned Counsel for legal heirs of respondent Nos.2 and 4 vehemently opposes this application. He says that, no case is made out for setting aside the order dated 11th March, 2016.

5. I have heard both the learned Counsel and considering the submissions made in the Civil Application, Civil Application is allowed in terms of prayer clause 'A'.

6. Civil Application is disposed off, accordingly.

[RAJESH S. PATIL]
JUDGE