

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

911 WRIT PETITION NO.767 OF 2017

**NAVID VAHID KURESHI AND OTHERS
VERSUS
ABDUL KALIM HAJI AHMED SAUDAGAR
THROUGH GPA SHAIKH RIJWAN HAJI AHMED AND OTHERS**

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Advocate for Petitioners : Mr. A.S. Jadhav h/f. Mr. P.R. Katneshwarkar
Advocate for Respondent Nos.3 & 4 : Mr. C.D. Biradar h/f.
Mr. V.S. Khairnar

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CORAM : SANDEEP V. MARNE, J.

DATE : 24-11-2022

PER COURT :

. By this petition, petitioners have challenged the order dated 26.07.2016 passed by the Joint Civil Judge Junior Division, Ausa allowing plaintiff's application for restoration of suit which was dismissed for default on 16.10.2010. There was delay of 10 months and 21 days in applying for restoration. The reasons cited by plaintiff for seeking restoration of the suit was that he was called to Saudi Arabia for labour work and therefore could not remain present in the Court. The trial Court has accepted the justification given by plaintiff and has restored the suit subject to imposition of costs of Rs.2,000/-. The suit has been restored on 26.07.2016 and by now the suit ought to have been decided by the trial Court. It appears that the same is

still pending.

2. In view of the above circumstances, no interference is called in the impugned order. The writ petition is dismissed. The hearing of the suit is expedited.

(SANDEEP V. MARNE, J.)