

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

**CIVIL APPLICATION NO.10033 OF 2023
IN SA/602/2021**

**RAJANIBAI PRAKASH ATTARDE AND ANR
VERSUS
YESHWANT ANANDA PATIL AND ORS**

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Advocate for Applicants : Mr. Madake Datta A.
Advocate for Respondent Nos.1 to 3 : Mrs. V.P. Dhorde

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CORAM : S.G. MEHARE, J.

DATED : AUGUST 25, 2023

PER COURT:-

1. There were number of orders against the present appellants/applicants observing that the hearing of the appeal was protracted and lastly this Court by order dated 03.07.2023 dismissed the second appeal for non-prosecution.

2. Learned counsel for the applicants would submit that his name was not printed on the daily board dated 03.07.2023 and it was circulated at late hours. Hence, he could not confirm that the appeal was listed for hearing. Hence on that day, he did not attend the Court. There was no deliberate intention to protract the trial. To protect the interest of appellants the order dated 03.07.2023 may kindly be called back and opportunity of being heard may be granted.

3. Learned counsel for the contesting respondents has strongly opposed the application. He would submit that hearing of

the appeal is protracted by one way or the other. The appellants were the subsequent purchasers. They had purchased the suit land during pendency of the suit and also contested the suit.

4. Learned counsel for the applicants expressed his readiness to argue the appeal for admission today itself. Hence, time was granted to him to go through the papers and matter was listed in second session. The appeal for admission has also been heard. Hence, the civil application is allowed and appeal is restored to its original position.

(S.G. MEHARE, J.)