

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 15711 OF 2023

IN

FIRST APPEAL NO. 415 OF 1991

WITH

FIRST APPEAL NO. 415 OF 1991

YUGANDHARA
SHARAD
PATIL

Digitally signed
by
YUGANDHARA
SHARAD PATIL
Date: 2023.12.08
11:48:54 +0530

Munir Ebrahim Khan and Ors.

...Applicants/
Orig.Appellants

Versus

Jamal Shah Takiya Trust and Ors.

...Respondents

Mr. Balasaheb G. Ligade, Advocate for the Applicants/Appellants.

Ms. Tanya Goswami, AGP for the Respondent-State.

Ms. Gunjan Shah i/b Mr. P.B. Shah, Advocate for Respondent Nos. 3 to 8.

CORAM: M.M.SATHAYE J.

DATE : 6th DECEMBER, 2023

PC. :

1. This is an Application filed by the Appellants for restoration of above First Appeal which is dismissed for default under Order dated 27.02.2023. There is delay of 23 days in filing the Application. Learned counsel for the Applicants makes a categorical statement that he has Vakalatnama of all the Applicants/original Appellants and he is representing them. Learned counsel for the Respondent opposed this Application, however, record shows that no reply is filed till date opposing the Application.

2. Considering the extent of delay and considering the averments in the Interim Application, sufficient cause is made out. Hence the Application is allowed in terms of prayer clauses (ai) and (b). Delay is condoned. The First Appeal is restored to file. Interim Application is disposed of accordingly.

3. Learned counsel for the Applicants to file vakalatnama on behalf of all the Appellants in the above First Appeal within a period of 2 weeks from today.

4. Place the aforesaid First Appeal under the caption of 'final hearing' on 20.12.2023. All concerned to act upon authenticated or digitally signed copy of this order.

[M.M.SATHAYE,J.]