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

**CIVIL APPLICATION NO. 7688 OF 2012
IN SA/104/1988**

Qamarunnisa Syed Abdul Haq And Ors

....Applicant

VERSUS

Syed Arifulla Syed Ahemadulla Hashmi And Others.

.....Respondent

.....
Advocate for Applicant : Mr. R.R. Deshmukh h/f. Mr. R. B Deshmukh
Adv. for Respondent Nos. 1 and 2 : Mrs. Charuta Deshmkh.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 6TH DECEMBER, 2024.

P.C. :-

1. By this application, prayer is made to restore the second appeal No. 104 of 1988, which has been dismissed for want of prosecution on 7.7.2008. Already, this Court had condoned the delay caused in filing this application vide order dated 23.11.2011 in C.A. No. 12557 of 2008. The applicant states the reason that his previous Advocate was elevated as Honourable Judge of this Court. Thereafter, he was not aware about fixing of the matter for hearing before this Court. Consequently, he was absent.

2. The reason mentioned in the application appears to be genuine. There is no contest to the application. Consequently, application is allowed. Second appeal is restored to its original position

and it be placed for final hearing in the second week of February, 2025 alongwith Second appeal No. 37 of 2022, which is also between the same parties and same subject matter.

3. Stand over to 12th February, 2025.

[S.G. CHAPALGAONKAR, J]

grt/-