



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

**951 CIVIL APPLICATION NO. 10496 OF 2023
IN FA/1005/2003**

**ANANDI ELIYAS AMOLIK
VERSUS
SURESHCHANDRA SHIVNARAYAN SHARMA AND
ORS**

...
Advocate for Applicant : Mr.K.M.Nagarkar
Advocate for Respondent nos.2 and 4 : Mr.V.N.Upadhye
Advocate for Respondent no.3 : Mr.B.G.Londhe
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 31.01.2024

P.C. :

1] The present Civil Application is filed to quash and set aside the order dated 03.05.2005 passed by the Registrar of this Court by condoning delay of 6656 days in filing the present civil application.

2] The learned counsel for the applicant submits that the respondent no.1 has not appeared before the Tribunal. In the Civil Application for restoration of the First Appeal, the respondent no.1 is served through paper publication. None has entered appearance on behalf of respondent no.1 in the present Civil Application till today. The learned counsel further submits that when the matter is

listed for final hearing, the applicant came to know about the order passed by the Registrar, dismissing the appeal against respondent no.1. The learned counsel for the applicant further submits that there is delay in filing the present Civil Application, which is not intentional and deliberate act. Considering the said fact, the present Civil Application may be allowed.

3] For the reasons stated in the civil application, the same is allowed. Delay is condoned. The order dated 03.05.2005 passed by the Registrar of this Court, dismissing the appeal against respondent no.1, is quashed and set aside and the First Appeal is restored to its original position. Civil Application is disposed of accordingly.

4] List First Appeal No.1005 of 2003 for final hearing on 11.03.2024.

[ARUN R. PEDNEKER]
JUDGE

DDC