

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

17 CIVIL APPLICATION NO. 5169 OF 2022
IN RC/936/2016 (SECOND APPEAL(ST) NO. 5033/2015)

SHAIKH YUSUF SHAIKH HUSSAIN LRS SHARIFABEE AND OTHERS

VERSUS

SHAIKH SIRAJODDIN ISMAIL MULLA DIED LRS.SHAIKH MUSA
WAJIRKHAN PATEL DIED LRS. NOOR AHMED AND ORS

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Advocate for Applicant : Mr. Ansari Asfia Nuzhat

Advocate for Respondent Nos. 2/A to R/2/C and R/2/F To R/2/H: Mr.
Yawalkar Siddhartha B.

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CORAM : SHAILESH P BRAHME, J.

DATE : 14.10.2025

PER COURT :

Heard both sides.

2. The applicants are seeking condonation of delay in restoring the second appeal of which registration is refused.
3. It is submitted that the applicants learnt about the status of the matter when decree for possession is put to execution. It is submitted that they have meritorious case and appeal needs to be heard on merits. It is submitted that the delay is not intentional.
4. Learned counsel Mr. Yawalkar appearing for the respondents opposes the application.
5. The learned counsel for the applicants undertakes to workout the appeal if it is restored. The delay can be condoned by imposing costs. For the reasons stated in the application, it is desirable to condone the delay and grant opportunity to the applicants to workout the appeal on merits.

6. Civil Application is allowed in terms of prayer clauses 'A' and 'B' on condition that the applicants shall deposit costs of Rs. 7000/- (Rs. Seven Thousand only) with the Library of Advocates Bar Association, High Court Aurangabad on 11.11.2025.

7. The appellant is permitted to reconstruct the file, if the papers are destroyed.

8. List the Second Appeal for admission on 13.11.2025.

(SHAILESH P. BRAHME, J.)

mkd/-