



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

**CIVIL APPLICATION NO. 8573 OF 2022
IN CA/8854/2015**

Dattu Santu Budha Lrs Sudam And Ors

VERSUS

Ammenabi Mir Hussain Khan Lrs Mahmoodabi And Ors

...

Ms. P. R. Wankhede, Advocate for Applicants

Mr.B. V. Virdhe, Advocate for Respondent No. R/1/2/h/c

Mr. R. H. Wagh, Advocate for Respondent Nos. R/1/2b To
1/2f And 1/2/h/a

.....

CORAM : ROHIT W. JOSHI, J.

Dated : 06TH MARCH, 2025

PER COURT :-

. This is an application for restoration of Second Appeal which was dismissed for default on 29.06.2018.

2. There is a delay of 1415 days in filing restoration application, this was the third occasion on which the appeal is dismissed in default.

3. The learned Counsel for the appellant states that she is ready to conduct the matter even today, in view of the statement, the delay caused in filing restoration application is condoned although, the learned Counsel for the respondent strongly opposes the same.

4. The delay caused in filing restoration application is condoned, subject to payment of cost of Rs.15,000/- to be deposited with the Chairman, Library Committee, Advocate's Association of Bombay High Court Bench at Aurangabad. The Second appeal is restored. However, having regard to conduct of the appellant, interim order is not restored.

5. Since, the matter is old, the learned Counsel appearing for the respondent submits that they do not have the case papers. The learned Counsel for the appellant is directed to provide photocopies of relevant documents to the learned Counsel for the respondent.

6. Put up for final hearing on 26.03.2025. Parties are put to notice that request for adjournment will not be entertained.

(ROHIT W. JOSHI, J)