

varsha

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 38436 OF 2025
IN
SECOND APPEAL NO. 874 OF 2001**

Namdeo Ranu Malve since deceased through ... Applicants/Appellants
legal heirs Ranu Namdev Malve and Ors

vs.

Ambhadas Ranuji Bhor since deceased Lrs ... Respondent
Eknath Ambadas Bhor

Mr. C.G. Gawanekar a/w. Mr. Rohit Parab a/w. Mr. Onkar Wable i/b.
Mr. Milind Deshmukh for Applicants/Appellants.

CORAM : GAURI GODSE, J.

DATED : 15th APRIL 2026

ORDER:

1. This application is for restoration of the second appeal, which was dismissed for non-prosecution on 22nd January 2024. Learned counsel for the applicants relies upon the additional affidavit to support the applicants' contention that they were unaware about the listing of the matter before the court. They were also unaware that their advocate had expired during the Covid period.

2. Learned counsel for the applicants submits that they learnt about dismissal of the second appeal when they received notice

issued by the executing court. I have perused the additional affidavit.

3. Issue notice to the respondents returnable on 12th June 2026.

4. In addition to the court notice, the learned advocate for the applicants shall serve the respondents by private notice and file affidavit of service before the next date.

5. Learned advocate for the applicants shall ensure that the copies are supplied and a court notice is issued to the respondents by taking humdast.

6. Learned counsel for the applicants submits that the next date before the executing court is 16th April 2026. The executing court shall defer the hearing beyond the returnable date of this application.

(GAURI GODSE, J.)