

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

WRIT PETITION NO.13786 OF 2019

MOHAMMAD ALIMODDIN GAZIYODDIN ALIAS JANIMIYA DESHMUKH
AND OTHERS
VERSUS
HABIB HARUN HABIB ALI AND OTHERS

...
Advocate for the Petitioners : Ms.Fatima Kazi h/f Shri Kazi S.S.
...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 18th November, 2019

Per Court:

1 The petitioners, who are the original plaintiffs, are aggrieved by the order dated 14.02.2017 passed by the Trial Court by which, Civil Miscellaneous Application no.74/2015 seeking restoration of Regular Civil Suit No.296/2018, which was dismissed in default, has been rejected. The petitioners are also aggrieved by the judgment of the Appellate Court dated 09.08.2017 by which, Miscellaneous Civil Appeal No.9/2017 has been dismissed.

2 The learned advocate for the petitioners/ plaintiffs submits that the suit property is the house property bearing No.173 (new No.1/12) at Ahmedpur, District Latur. They all belong to the Mohammedan religion and are scattered in Beed district, Raigad district

and Hyderabad. The suit was dismissed in default on 10.08.2015 as plaintiff no.1 could not remain present for re-examination after he was recalled, owing to his old age and certain ailments. However, the restoration application was filed within 30 days on 09.09.2015 praying for restoration of the suit that was dismissed in default on 10.08.2015.

3 On the condition of the petitioners depositing an amount of Rs.25,000/- (Rupees Twenty Five Thousand) in this Court on or before 19.12.2019, issue notice to the respondents returnable on 13.01.2020.

4 Copies of the petition paper book for issuance of notice shall be supplied on or before 27.11.2019, failing which, this petition shall stand dismissed without reference to the Court on 28.11.2019.

kps

(RAVINDRA V. GHUGE, J.)