

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

CIVIL APPLICATION NO. 1284 OF 2015
IN
SECOND APPEAL (ST) NO. 16560 OF 2014

Rangnath Bapu Fopse
deceased through his LRs
& others

... Applicants

Versus

Shantaram s/o Jagannath Fopse
& others

... Respondents

.....
Mr. P.R. Patil , Advocate for Applicants
.....

CORAM : RAVINDRA V. GHUGE, J.

DATED : 26th MARCH, 2015

PER COURT :

1. The delay in filing this Civil Application for restoration of the Second Appeal is of 83 days. By an order dated 08-10-2014 passed by the Registrar, the Second Appeal was dismissed in default for non removal of office objections.
2. Needless to State, the Second Appeal was on a Stamp number and notices were not issued to any of the respondents.

3. Reasons in support of the prayer made are set out in paragraph Nos. 2, 3 & 4. Learned Advocate for the applicant submits that it was out of inadvertence on the part of the office representing the applicant that the objections were not removed.

4. In the light of the peculiar facts recorded above and since the learned Advocate takes the blame on himself, delay of 83 days in filing this application for restoration is condoned. The applicant shall remove all office objections within a period of three weeks from today. Order of the Registrar dated 08-10-2014 is, therefore, set aside and the Second Appeal is restored to its position on stamp number. After objections are removed, the Second Appeal shall be registered.

5. In the event of non compliance of this order, the same shall stand recalled, Civil Application shall stand rejected and the order of the Registrar dated 08-10-2014 shall then stand restored.

(**RAVINDRA V. GHUGE, J.**)