

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.3408 of 2015 IN
SECOND APPEAL STAMP NO.35487 OF 2013

SHALUBAI HONA KSHIRSAGAR

APPLICANTS

VERSUS

MARUTI KHANDERAO HAKE AND OTHERS

RESPONDENTS

Mr.S.G.Chapalgaonkar, Advocate for the applicants.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 27/03/2015

PER COURT :

1. This application is preferred for seeking restoration of the second appeal, which was refused registration by order dated 12/03/2014. Prayer for condonation of 343 days delay is also put forth.

2. It is submitted that the Advocate, who had represented the cause of the appellants by filing the second appeal, inadvertently failed in removing the office objections. Subsequently, the concerned Advocate has passed away. The applicant No.1 is a lady, who is about 82 years old today. It is, in these circumstances, that the delay is sought to be condoned.

3. The second appeal was on a stamp no. and obviously notices were not issued to the parties.

4. In the light of the above and the peculiar facts stated, that this application is allowed. Delay of 343 days is condoned. I am not imposing costs on the applicants in view of the fact that the concerned Advocate, who was to remove office objections, has passed away.

5. The applicants shall remove all office objections within a period of 3 (three) weeks from today, failing which this order shall stand recalled, the civil application shall stand rejected and the order of the Registrar dated 12/03/2014 shall then be restored. Upon complying with this order, the second appeal shall be registered.

(RAVINDRA V. GHUGE, J.)