

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.3656 OF 2015
IN
SECOND APPEAL STAMP NO.8128 of 2014

SHANKAR NARAYAN JADHAV, THROUGH
LR'S

APPLICANTS

VERSUS

MOHAN SUBHASH MALIA

RESPONDENT

Mr.F.R.Tandale, Advocate for the applicants.
Mr.M.H.Patil, Advocate for the respondent.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 20/03/2015

PER COURT :

1. This application is filed for seeking condonation of 196 days delay and for restoration of the second appeal, which has been refused registration by order 13/08/2014.

2. Learned Advocate for the applicants submits that the reasons for the order dated 13/08/2014 and the delay caused are set out in the application. The learned Advocate has taken the blame on himself for having failed in removing the office objections.

3. Mr.Patil, learned Advocate vehemently opposes the civil application. He submits that the litigation has commenced with Spl.C.S.No.145/1986, which was decreed. First Appeal was dismissed. Only because the respondent has initiated execution

proceedings, that the applicants are now attempting to revive the second appeal which was refused registration.

4. Having considered the submissions of the rival sides, it is evident that the applicants are before this Court as a last remedy. Ends of justice would be met by restoring the second appeal and by imposing costs.

5. As such, this civil application is allowed. Delay of 196 days is condoned.

6. The applicants shall remove all office objections within a period of 6 (six) weeks from today after depositing the costs. The applicants shall deposit an amount of Rs.3,000/- (Rs.Three thousand only) before the Executing Court in RD No.17/2015 within a period of 3 (three) weeks from today and place the receipt on record in this Court, failing which this order shall stand recalled, the civil application shall stand rejected and the order of the Registrar dated 13/08/2014 shall stand restored.

7. On depositing costs as directed above, the non-applicants shall be at liberty to withdraw the said amount in equal proportion.

(RAVINDRA V. GHUGE, J.)