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IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 638 OF 2015
IN
R.C. NO. 1873 OF 2014

Shri Rajshekhar Shivgonda Patil
Since deceased through legal heirs

1a. Kamalabai Rajshekhar Patil and others .. Applicants

Vs.

Sou.Jayashri Bhimashankar Malewadi and another .. Respondents

Mr.Samir Kumbhakoni, Advocate for the Applicants.

CORAM : R. G. KETKAR, J.

DATE : 17th APRIL, 2015

P.C. :

. Heard Mr.Samir Kumbhakoni, learned Counsel for the applicants.

2. This is an application for recalling order dated 04/10/2014 passed by the learned Registrar (Judicial – II) after condoning the delay of 65 days in filing the application and for restoration of the Second Appeal.

3. Mr.Kulkarni submitted that by order dated 14/10/2014, applicants were given 4 weeks time to remove following office objections, failing which registration of the Second Appeal was to stand refused.

- a) Original C.C. of grounds of Appeal is not filed.
- b) Value of claim is not mentioned.
- c) Blank portion not fill up at page No.3.
- d) Font is small in pages No. 23 to 29.

4. He submitted that within 1 week from the restoration of the Second Appeal, he will remove the office objections. He further submitted that notices were not issued to the respondents in the Second Appeal.

5. In view thereof and for the reasons stated in the application, I am satisfied that applicants have made out a sufficient cause for condoning the delay. Hence, Civil Application is allowed in terms of prayer clauses (b) & (b-i) with no order as to costs. Second Appeal is restored to the file of this Court. The applicants shall remove office objections within 1 week from today.

(R. G. KETKAR, J.)