

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE SIDE JURISDICTION.

CIVIL APPLICATION NO.1022/2014
IN
REJECTED CASE NO.996/2012

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. S. A. Sawant for the Applicant
Mr. Prabhakar Jadhav i/b. Vishal Kolekar for the Respondent Nos.1A to 1D.
Mr. Rakesh S. Patil for Respondent No.2.

CORAM : K. K. TATED, J.
DATE : SEPTEMBER 16, 2015

P.C.:

1. Heard. None for the other Respondents, though duly served.

2. This Application is made by Defendant No.1 for restoration of Second Appeal (ST) No.996/2012 which was dismissed by conditional order dated 09/03/2012 passed by the learned Judicial – II for non removal of office objections.

3. The learned counsel for the Applicant submits that the Applicant is a senior citizen. Inadvertently, it remained on their part to provide relevant documents for removing office objections.

The Applicant relies on paragraph 3 to 5 in support of his contention. The learned counsel for the Applicant submits that in the interest of justice, this Hon'ble Court be pleased to restore the Second Appeal for hearing on merits. He submits that the Applicant undertakes to remove office objections within 4 weeks from today. He submits that if delay is not condoned and Second Appeal is not restored, irreparable loss will be caused to the Applicant.

4. On the other hand, Respondent No.1A to 1D vehemently opposed the Civil Application. He submits that the Applicant has not shown sufficient cause for condonation of delay. He submits that there is more than 2 years delay in making the Civil Application. Hence, there is no substance in the Civil Application. Same be dismissed with costs.

5. Heard the learned counsel for the respective parties at length. Though Respondent Nos.1A to 1D duly served, there is no Affidavit-in-Reply to oppose the Civil Application.

6. Considering the submissions made by the learned counsel for the Applicant and the reasons

disclosed in the Civil Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. At the same time, the Applicant has to pay cost of Rs.2500/- to Respondent No.1A to 1D.

7. Hence, the following order:

- (a) Order dated 09/03/2012 is set aside.
- (b) Second Appeal restored to file.
- (c) The Applicant to remove all office objections within 4 weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.
- (d) The Applicant either to pay sum of Rs.2500/- to Respondent Nos.1A to 1D or their Advocate or deposit in the Registry of this court within 4 weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.
- (e) Civil Application stands disposed off accordingly.

JUDGE

CERTIFICATE

Certified to be true and correct copy of the original
signed order.