

IN THE HIGH COURT OF JUDICATURE AT MUMBAI

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.994 OF 2014

IN

SECOND APPEAL NO.1219 OF 2004

(Murlidhar G. Gaikwad (decd.) and ors. Vs. Pandurang M. Gaikwad)

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. Balaji Shinde for Applicants.

CORAM : R. G. KETKAR, J.**DATE : 27TH MARCH, 2015****P.C.:**

Heard Mr. Shinde, learned Counsel for applicants.

2. This is an application for recalling the conditional order dated 18.06.2009 after condoning the delay of 4 years and 345 days caused in filing the Application. Mr. Shinde submitted that Second Appeal was admitted on 01.12.2005 and in Civil Application No.1255 of 2004, status-quo order was passed on the same date. The Appeal was dismissed for non-compliance of conditional order dated 18.06.2009. By that order, the applicants were to remove office objections on or before 31.07.2009 failing which, registration of the matter was to stand cancelled without further reference to the Court. Office has raised following objections:

- a. Typed copy of grounds of Appeal not filed;
- b. C.C. of Trial Court judgment not filed;
- c. C.C. of trial Court decree not filed;

- d. Middle name of the appellant No.1 is different;
- e. Claim not stated.

3. Mr. Shinde assures that after restoration of the Appeal, within 4 weeks, he will remove office objections.

4. In view of the assurance and for the reasons stated in the application, Civil Application is allowed in terms of prayer clauses (b) to (d) with no order as to costs. Applicant shall remove office objections within 4 weeks from today.

(R. G. KETKAR, J.)

Minal Parab