

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION**

**CIVIL APPLICATION NO. 1504 OF 2015
IN
R.C. NO. 567 OF 2015
(S.A. (st.) No.29453 of 2014)**

Mr. Yeshwant D. Limaye ... Applicant.
V/s.

Mr. Mahadeo K. Samindre (deceased-L.R.s:
: Mrs. Kamal M. Samindre & Ors. ... Respondents.

Mr. Parag V. Dube, Advocate for the Applicant.

**CORAM : K. K. TATED, J.
DATE : 29th SEPTEMBER, 2015**

P.C. :

1 Leave to amend is granted.

2 Heard the learned counsel Mr. Dube for the applicant. The civil application is preferred by the defendant for restoration of the second appeal (st.) no.29453 of 2014, which was dismissed in view of the conditional order dated 18.02.2015 passed by the learned Registrar (Judicial-II) for non- removal of the office objections.

3 The learned counsel for the applicant submits that during that period, the Advocate on record was in personal difficulty. Hence, the conditional order was not complied

within the stipulated time. In support of his contention, the learned counsel for the applicant relies on para nos. 4 and 5 of this civil application. He submits that if this application is not allowed, an irreparable loss will be caused to the applicant.

4 Considering the submissions made by the learned counsel for the applicant and the reasons stated in the civil applications, I am satisfied that the applicant has made out a case for allowing this application. Hence, following order is passed :

i. Civil Application is allowed in terms of prayer clauses (a) and (b), which reads thus :

a) the delay of 117 days in filing the present civil application may kindly be condoned.

b) the order dated 18.02.2015 be quashed and set aside and the Second Appeal (st.) No. 29453/ 2014 renumbered as RC No. 567 of 2015 may kindly be restored to file.

ii. The applicant to remove all office objections within three weeks from today, failing which the civil

application shall stand dismissed without referring back to the court.

iii. The civil application stands disposed of accordingly.

(K. K. TATED,J.)

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CERTIFICATE

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