

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 2531 OF 2014
IN
REVIEW PETITION (ST.) No. 34022 of 2013
in
WRIT PETITION NO. 5306 OF 2013

Vithal Tukaram Desale
Since deceased through legal
heirs and representatives.

..Applicants.

Versus

Rupsing Indrasen Bokad.
and Others.

..Respondents.

Mr. Rajiv Chavan, Senior Advocate with Mr. S. N. Patil i/b
Shakuntala S. Wadekar for the Applicants.

Coram : RANJIT MORE, J.
Date : **August 14, 2015.**

P. C. :

1. The present application is filed seeking restoration of Review Petition St.No.34022 of 2013. Review petition is dismissed in view of the self-operative order dated 19th June 2014, since the Advocate for the Applicants did not remove office objections within the stipulated time.

2. Mr. Chavan, the learned Senior Counsel appearing for the Applicants submitted that Advocate on record for the Applicants will remove the office objections within two weeks from today. Statement is accepted as an undertaking. Record

indicates that Advocate on record for the Applicants has not attended the matter with due diligence for removing office objections and thereafter in preferring the present application. Be that as it may, as a general principle a litigant shall not be made to suffer for the fault of Advocate and in view of the undertaking given by the Advocate for the Applicants and in the interests of justice, I am inclined to restore the review petition after condoning the delay.

3. Hence, application is allowed in terms of prayer clauses (a) and (b).

4. As undertaken, the learned Counsel appearing for the Applicants shall remove office objections within two weeks from today. If office objections are removed within the stipulated time, Registry shall place the review petition on board for admission on 11th September 2015.

5. Application stands disposed of.

[RANJIT MORE, J.]