

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

MCA NO.981 OF 2015

IN

FA ST.NO.5002 OF 2015

Tarkeshwar Upadhaya

..vs..

Ramanand Upadhaya

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Shri S.O. Ahmed, counsel for the applicant.

CORAM : V.M. DESHPANDE, J.

DATED : OCTOBER 28, 2015.

Heard.

This is an application for restoration of the first appeal.

First Appeal Stamp No.5002 of 2015 was dismissed for non-removal of office objections by the Registrar (J) of this Court on 14.7.2015.

The present application for restoration of the first appeal since was barred by limitation, an application for condonation of delay was moved vide Civil Application No.1577 of 2015 and this court vide order dated 2.9.2015 condoned the delay subject to costs of Rs.500/- to be paid to the High Court Legal Services Sub Committee at Nagpur.

Learned counsel for the applicant submits that he has deposited the said amount.

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For the reasons stated in the application, the application for restoration of the first appeal is allowed.

The order of the Registrar dated 14.7.2015 dismissing First Appeal Stamp No.5002 of 2015 is hereby set aside.

The First Appeal Stamp No.5002 of 2015 is restored to its file.

The civil application is disposed of as such.

FA ST.NO.5002 OF 2015

Heard.

It is also reported that the appeal filed before this Court is against the judgment and decree passed by learned 3rd Joint Civil Judge Senior Division, Wardha in Special Civil Suit No.36 of 2011. The pecuniary valuation of the said suit is since below Rs.1.00 Crore, the proceedings in the first appeal will have to be remitted back to the competent District Court.

JUDGE

!! BRW !!

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