

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA NO.1866/2016

**1017 CIVIL APPLICATION NO. 1866 OF 2016
IN RC/1055/2015**

SUKHADEO NARAYAN JADHAV AN ANR
VERSUS
MUSHRAF KHAN ALLAUDDIN AND ORS

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Advocate for Applicant : Mr.Bhosle Santosh B
Mr.Deshpande Dhananjay P., Adv., for respondent no.3.
Mr.Tekale Nikhil S., Adv. for respondent no.2.

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CORAM : P.R. BORA, J.
Dated: July 22, 2016

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PER COURT :-

1. This is an application for restoring the appeal which has been dismissed in default by setting aside order passed by the learned Registrar on 18.10.2013. Learned Counsel for the applicants submit that all office objections shall be removed within two weeks of the date of this order. Learned Counsel submits that the applicants need to be given an opportunity to contest their matter on merits. Learned Counsel appearing for the respondent Insurance Company has strongly opposed for accepting the request so made by the applicant stating that even after becoming aware of the fact that the matter has been dismissed in default, no steps were taken by the applicant within the stipulated period of limitation.

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(2)

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2. After having considered the submissions made on behalf of the respective parties, it appears to me that the applicant needs to be given an opportunity to contest the matter on merits and I am inclined to pass following order:

ORDER

1) The application is allowed. Delay caused in preferring the application for restoration is condoned. The order passed by the learned Registrar is set aside. The matter stands restored to its original file. The applicant shall take necessary steps within two weeks.

(P.R. BORA, J.)

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