

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

***CIVIL APPLICATION NO. 326 OF 2016
IN
R.C. NO. 92 OF 2015
WITH
CIVIL APPLICATION NO. 5327 OF 2016***

Krishna Govind Avhad
(since deceased, through legal heirs)
Amrita Krishna Avhad & ors. ... Applicants

v/s

Tukaram Krishnaji Avhad ... Respondent

Mr. Shyamsundar Solanke i/by Manoj Kadam for the applicants.

None for the respondent.

Coram: N.M. Jamdar, J.

Dated: 8 July, 2016

P.C.:

The Applicants seek to restore the Second Appeal and to condone the delay of 385 days.

2. On 22 December 2014, by way of last chance, the Registrar (Judicial) granted four weeks time to the Applicants to remove all office objections. Prior to that, before passing the conditional order,

the Registrar (Judicial) granted sufficient time to the Applicants to remove the office objections. Since the objections were not removed, the appeal was dismissed. Thereafter the Applicants filed Civil Application No.1187 of 2014, which was allowed. The appeal was restored subject to the Applicant removing office objections within a period of four weeks. Two years have passed, yet the office objections are not removed. The civil application is filed seeking condonation of delay. There appears to be complete inaction and negligence on the part of the Applicants. If the Applicants want any further indulgence, the Applicants will have to pay cost.

3. The civil application is accordingly allowed in terms of prayer clauses (a) and (b), subject to the Applicants paying cost of Rs.10,000/- to the Legal Services Authority, within a period of three weeks from today. If the cost is not so deposited, the appeal will stand dismissed for non-prosecution.

(N. M. Jamdar, J.)