

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

**CIVIL APPLICATION NO. 132 OF 2016
IN
REJECTED CASE NO. 96 OF 2015**

Smt. Manisha Manik Pandagale and others ... Applicants
V/s.
Managing Director and others ... Respondents

Mr. D. W. Bhosale Advocate for the Applicants

**CORAM : K. K. TATED, J.
DATED : 24/02/2016**

P.C.:

Heard learned counsel for the applicant.

2) This application is preferred by claimants for restoration of First Appeal Stamp No. 14950 of 2014 which was dismissed by an order dated 14/10/2014 passed by Registrar Judicial – II for non removal of office objections. There is a delay of more than 160 days in preferring present Civil Application.

3) Learned counsel for the Applicants submits that because of mistake on the part of Advocate and/or Advocate's clerk, litigant should not suffer. He submits that applicant has good chances of success in the present First Appeal. He submits that in the interest of justice, this Hon'ble Court be pleased to allow present Civil Application.

4) Considering the submissions made by learned counsel for the

Applicants and averments made in Civil Application, I am satisfied that Applicants have made out a case for allowing the Civil Application. At the same time, applicants to pay cost of Rs. 2500/-. Cost to be deposited in the Office of Legal Aid, High Court, Bombay within 4 weeks from today.

5) Hence, following order.

- (i) Delay in preferring Civil Application is condoned.
- (ii) Order dated 14/10/2014 passed by Registrar Judicial – II is set aside.
- (iii) First Appeal St. No. 14950 stand restored for hearing on its merits.
- (iv) Applicants to remove all office objections in First Appeal Stamp No. 14950 of 2014 within 4 weeks from today, failing which, Civil Application shall stand dismissed without referring back to the Court.
- (v) Applicants to pay cost of Rs. 2500/-. Cost to be deposited in the Office of Legal Aide, High Court, Bombay within 2 weeks from today, failing which Civil Application shall stand dismissed without referring back to the Court.
- (vi) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)