

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

Amk

**CIVIL APPLICATION NO. 3713 OF 2016
IN
REJECTED CASE NO. 1463 OF 2013**

Machindra Govind Jadhav .. Appellant
Vs.
The State of Maharashtra & Ors. .. Respondents

Mr. Sandeep S. Salunke for the Applicant.
Mr. Amit Palkar, Govt. Pleader for the Respondents.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.
DATE : 26th AUGUST, 2016.

P. C. :

1. This is an application for condonation of delay of 3 years and 283 days in filing the application for restoration of the appeal, which came to be dismissed for default on account of non removal of office objections.
2. It is submitted by the learned counsel for the applicant that the applicant was under the impression that the matter would be listed for admission. However, when the same was not listed for long time, inquiry was made and then it came to the knowledge of the applicant that for non removal of the office objections, the appeal is already dismissed on 14.09.2012.
3. Learned counsel appearing for the respondents leaves it to

the discretion of the Court to allow this application or not.

4. For the reasons stated in para 4 of the application, though the delay in preferring this application needs to be condoned, having regard to the fact that the applicant remained unaware for the period of more than 3 years and approximately 283 days, some costs are required to be imposed. Accordingly, the application for condonation of delay is allowed and the order of dismissal of the appeal for non removal of office objection is set aside, subject to the applicant depositing the costs of Rs.5000/- with Legal Services Authority within four weeks from today.

5. On depositing the costs and removal of the office objections, the appeal be numbered and placed for admission as per CMIS date.

6. In case of failure of the applicants to deposit the costs, as directed, within stipulated period, application will stand dismissed without further reference to this Court.

7. The Civil Application is disposed of accordingly.

[DR. SHALINI PHANSALKAR-JOSHI, J.]