

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

**CIVIL APPLICATION NO.1972 OF 2016  
IN  
SECOND APPEAL (ST.) NO.12088 OF 2016**

1. Shankuntala Rajaram Zute (since deceased)  
2. Datta @ Kishor Rajaram Zute (since deceased)  
through his legal heirs  
2/1. Smt. Chanda Kishore Zute & Ors. .. Applicants/Appellants  
Vs.  
Gulab Kashinath Jadhav & Ors. .. Respondents

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Mr.G.T. Kanchanpurkar for the Applicants/Appellants.  
None for the Respondents.  
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**CORAM : R.D. DHANUKA, J.**  
**DATE : 22<sup>nd</sup> December 2016**

P.C.

. Papers are allowed to be produced at 3.00 p.m.

2. The applicants have filed this civil application for condonation of delay of 58 days delay in filing the present civil application and for setting aside the order dated 16<sup>th</sup> September 2016 passed by the learned Registrar (Judl.-II) dismissing the second appeal for non-compliance of the office objections.

3. Learned counsel appearing for the applicants states that the objections could not be removed due to unavoidable circumstances set out in the civil application.

4. I have perused the learned counsel appearing for the applicants and have perused the averments made in the civil application.

In my view, the applicants have made out a case for condonation of delay of 58 days in filing the present civil application and for setting aside the order dated 16<sup>th</sup> September 2016 passed by the learned Registrar (Judl.-II) on the condition that the applicants will remove all office objections within two weeks from today.

5. Civil application is made absolute in terms of prayer clauses (a), (b) and (c) on the condition that the applicants will remove all office objections within two weeks from today. It is made clear that if the office objections are not removed within two weeks from today, the second appeal to stand dismissed without further reference to the Court. No order as to costs.

6. If all office objections are removed, place the second appeal on board for 'Admission' on 16<sup>th</sup> January 2017

***R.D. DHANUKA, J.***