

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO. 4751 OF 2017
IN RC/179/2017

TULSHIRAM PEMA GAIKWAD AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for Applicants : Mr. G. V. Patil.
AGP for Respondents No.1 and 2 : Mr. S. R. Yadav-Patil.
...

CORAM : K.K. SONAWANE, J.

DATED : 29TH NOVEMBER, 2017.

Order :-

Heard Mr. Patil, learned counsel for applicant and learned AGP for respondents No.1 and 2. None appears for respondent No. 3 Acquiring Body.

2. Perused the application. It reveals that the proceedings of first appeal accompanied with Civil Application for condonation of delay was filed on behalf of applicant, but there were some objections notified by the Registrar and same were not removed within stipulated period. Therefore, the registration of first appeal came to be refused by the impugned order of learned Registrar of this Court dated 14-02-2017. According to learned counsel for applicant, he will remove the entire objections within a week in case the proceedings of appeal stands restored at it's original stage.

3. Considering the nature of subject matter and reasons mentioned in the application, there is no impediment to extend one more opportunity to the applicant for substantial justice into the matter. Accordingly, application is allowed in terms prayer clause 'B'. The delay caused for filing present application is condoned. The impugned order of refusal of registration of proceedings in R.C.No. 179, 180 of 2017 in First Appeals No. 34060, 34061 of 2016 respectively passed by Registrar dated 14-02-2017 is hereby recalled. The proceedings of the appeals be restored at its original stage subject to condition that applicant to remove office objections notified on behalf of Registrar within period of two weeks from the date of restoration of said proceedings, failure to which, the present order shall stand vacated automatically without further reference to this Court.

4. The application stands disposed of in above terms of accordingly.

[K. K. SONAWANE]
JUDGE

rrd.