

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION (ST.) NO.8825 OF 2017
IN
FIRST APPEAL NO.1143 OF 2011**

Sau. Smita Audhutat Gangan ... Applicant

In the matter between :

Shri Krishna Gajanan Shetye And Others ... Appellants

Versus

Amey Dattatray Shetye ... Respondent

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Mr. B.G. Tangsali for the Applicant.

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CORAM : S.C.GUPTE, J.

DATE : 27 APRIL 2017

P.C. :

Heard learned Counsel for the Applicant.

2 This civil application seeks recall of an order dated 11 August 2016 passed by Registrar (Judicial-II) rejecting Civil Application (St.) No.10451 of 2016 for non-removal of office objections and restoration of that civil application. There is a delay of 195 days in filing the present civil application. For the reasons stated in the civil application, the delay is condoned and the self operative rejection order dated 11 August 2016 passed by Registrar (Judicial-II) is recalled and set aside. Civil Application (St.) No.10451 of 2016 is restored to file. The Applicant shall now remove all office objections within a period of two weeks from today, failing which,

the civil application shall stand rejected under Rule 5 Chapter V of the Bombay High Court Appellate Side Rules. After objections are removed, Civil Application (St.) No.10451 of 2016 shall be placed on board for orders on 12 June 2017.

3 In the meantime, the execution proceedings in respect of the impugned decree of partition may proceed before the Tahsildar and Executive Magistrate, Shrivardhan, but possession shall not be handed over to anyone in pursuance of the impugned decree till the next date.

(S.C. GUPTE, J.)