

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1309 OF 2017
IN
R.C. NO. 681 OF 2016
(FIRST APPEAL (ST.) NO. 5274 OF 2015)

Neelkanth Nagar Coop. CHS Ltd. ... Applicant
Vs.
Bhuwaneshwar Rajkishor Tripathi & Anr. ... Respondents

Mr. Abhishek Tripathi i/b. Mr. C.K. Tripathi, Advocate for the applicant.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 22nd September, 2017.

P.C.:

Upon urgent mentioning, taken on production board.

2. This Civil Application is moved for restoration of First Appeal (St.) No. 5274 of 2015 and Civil Application (St.) No. 22352 of 2016, which stand refused by the orders dated 22nd June, 2015 and 27th February, 2017 passed by the Registrar (Judicial-II) for non-removal of office objections.

3. The learned counsel for the applicant submitted that the Appeal was dismissed before issuance of notice to the respondents. The learned counsel submitted that due to oversight, the said order went

unattended. It was not deliberate but it is a bonafide mistake on the part of the appellant. Hence, the delay of 650 days in filing the Appeal be condoned and the orders of dismissal be set aside.

4. For the reasons mentioned in the Application, delay of 650 days is condoned. The orders dated 26th June, 2015 and 27th February, 2017 passed by Registrar (Judicial-II) are hereby set aside. First Appeal is restored to its original file along with the Civil Application. The appellant to remove the office objections on or before 9th October, 2017. If the office objections are not removed within the stipulated time, First Appeal will be dismissed without further referring to the Court.

5. Civil Application is allowed and disposed of accordingly.

(MRIDULA BHATKAR, J.)