

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

**CIVIL APPLICATION NO. 3135 OF 2017
IN
REJECTED CASE NO. 50 OF 2014**

Vasant Narsingh Shanbhag

...Applicant

Versus

Prabhakar Laxman Narvekar
(since deceased) through his legal heirs
Smt.Vijaya Prabhakar Narvekar & Ors.

...Respondents

.....

Mr. Manas N. Gawankar i/b. Mr.V.H. Narvekar for the Applicant.

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**CORAM: MRS.MRIDULA BHATKAR, J.
DATED : OCTOBER 05 , 2017**

P.C. :

1. Upon urgent mentioning, taken on Production Board.
2. Learned counsel for the applicant submits that the First Appeal was dismissed for non removal of office objections by order dated 13.11.2013 passed by the Registrar (Judicial-II). He further submits that there is a delay of 3 years and 257 days in presenting the Civil Application. He further submits that the First Appeal was dismissed before issuing notices to the respondents. He further submits that the applicant is 75 years old and due to enhancement of pecuniary jurisdiction of the District Court, earlier Advocate was under impression that the appeal was transferred to the District Court, Ratnagiri. On query, it is found that the Appeal was not dismissed and not sent to the District Court, Ratnagiri.

3. In view of the above submissions, it appears that it is negligence on the part of the concerned Advocate and the litigant should not suffer for the same. Hence, the delay of 3 years and 257 days in filing the Civil Application is condoned and the order dated 13.11.2013 passed by the Registrar (Judicial-II) is hereby set aside and the Appeal is restored to its original file.

4. Civil Application is allowed and is disposed of accordingly.

5. The applicant is directed to remove all office objections on or before 12.10.2017. If the objections are not removed, the Appeal will be dismissed without referring to the Court.

(MRIDULA BHATKAR, J.)