

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION (CAO) NO.1480 OF 2017

AND

MCA ST.NO.11622 OF 2017

IN

SA ST.NO.925 OF 2017

Chandrakant s/o Keshavrao Ghumre

..vs..

Mohan s/o Dattatraya Moharil, thr. LRs

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Shri Mahesh Rai, Counsel for the applicant.

CORAM : V.M. DESHPANDE, J.

DATED : NOVEMBER 14, 2017.

1. Heard learned counsel Shri Mahesh Rai for the applicant.
2. Misc. Civil Application is filed for restoration of Second Appeal since it was dismissed in view of conditional order passed by the Registrar (J) on 16.3.2017. As per the said order, it was expected that the applicant should furnish the certify copy of judgment and decree of the Trial Court in Special Civil Suit No.1246 of 2006 dated 7.10.2008 and certify copy of the memo of appeal in Regular Civil Appeal No.468 of 2012 on or before 30.3.2017. However, the applicant could not remove those objections in pursuance to the conditional order.
3. Consequently, registration of the second appeal

.....2/-

was refused by the Office of this Court.

4. It is the submission of learned counsel Shri Mahesh Rai for the applicant that now the applicant has received the certify copies of the judgment and decree of the Trial Court as well as memo of appeal.

5. For moving the application for restoration of the second appeal, there is a delay of 60 days. Therefore, an application is filed for condonation of delay in filing the application for restoration of the second appeal.

6. It is to be noted that when the conditional order was passed, the second appeal itself was on stamp and no notice was given to the present non-applicants.

7. After having heard learned counsel for the applicant and after having gone through the contents of the application for condonation of delay and for restoration, I am satisfied with the reasons put forth by the applicant on affidavit.

8. Consequently, this Court allows both these applications subject to payment of costs of Rs.500/- to be paid to the High Court Bar Association at Nagpur within a period of one week.

9. On production of the receipt issued by the High Court Bar Association at Nagpur showing payment of costs to the Association, the Registrar is directed to restore Second Appeal St.No.925 of 2017 and the second appeal be registered.

However, at the time of tendering of the receipt, the applicant should also file the same certified copies.

10. With this, both applications are allowed and disposed of.

JUDGE

!! BRW !!