

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

Civil Application No. 1444/2017 AND
M.C.A. (Restoration) St.No.11827/2017 in Rejected S.A.No. 900/2016
Sou. Dwarka w/o Ramrao Khade ..vs.. Hardas s/o Warluji Gudadhe

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

Court's or Judge's orders.

Mr. P. V. Kaore, Advocate for applicant.

CORAM : V.M. DESHPANDE, J.

DATED : NOVEMBER 22, 2017

1. Heard Mr. Kaore, learned counsel for the applicant. By the present applications, the applicant is challenging the order rejecting registration of the Second Appeal Stamp No.21546/2016. The registry raised certain objections. Those objections were not removed though time was granted. Resultantly, the stamp was refused and the second appeal was dismissed for non removal of office objections. Therefore, the Misc. Civil Application Stamp No.11827/2017 was filed for restoration. However, there is a delay of 183 days. Therefore the application for condonation of delay is moved.

2. Registration of the second appeal was refused for non removal of office objections. This Court is of the view that course of law should not be denied to the litigants for non removal of office objections. For that the costs can be imposed and applicant can be permitted to remove the office objections.

3. In that view of the matter, both the applications are allowed. The delay is condoned. Second Appeal Stamp No.21546/2016 is restored to file. The order refusing registration of the second appeal is hereby revoked. The second appeal be registered on condition that the applicant shall pay costs of Rs.1,000/- to the High Court Bar Association within two weeks from today and a copy of the receipt showing payment of costs be placed on record. The applicant shall remove the office objections within two weeks from today.

The applications stand disposed of accordingly.

JUDGE

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