

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

CIVIL APPLICATION (CAO) NO.1622/2017
AND
MISC. CIVIL APPLICATION ST.NO.17324/2017
IN
SECOND APPEAL NO.296/2017

Banwarilal Satyanarayan Sharma
..VS..
Ramesh Kanhaiyalay Sharma, thr. LR's and ors

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

Court's or Judge's Order

Shri S.P. Agrawal, Counsel for the applicant.

CORAM : V.M. DESHPANDE, J.
DATED : NOVEMBER 16, 2017.

1. Heard learned counsel Shri S.P. Agrawal for the applicant.
2. The misc. civil application is for restoration of the second appeal.
3. The applicant preferred the second appeal challenging judgment and decree passed in Regular Civil Appeal No.665 of 2012 by learned Ad hoc District Judge-5, Nagpur dated 5.4.2016 arising out of judgment and decree passed in Regular Civil Suit No.32 of 2001 by learned Joint Civil Judge Junior Division, Kamptee dated 8.2.2012.
4. The Registrar of this Court raised certain objections that certified copy of the judgment of the

.....2/-

Trial Court and certified copy of the memo of appeal were not filed. Fourteen days' time was given to the applicant/appellant to remove those objections on 16.2.2017. However, during the said stipulated period, the office objections were not removed. Consequently, stamp was refused. The misc. civil application is for restoration of the second appeal.

5. The misc. civil application for restoration of the second appeal is barred by limitation. Delay is of 147 days.

6. I have gone through the contents of the application for condonation of delay. It is to be noted that the second appeal was refused only for non-removal of office objections. I am of the view that the litigants should not be kept away from the course of justice only for the reason that they could not remove the office objections within a stipulated period.

7. In that view of the matter, the application of condonation of delay is allowed. Delay is condoned.

8. The misc. civil application for restoration of the second appeal is allowed subject to payment of costs of Rs.1,000/- to be paid to the High Court Bar Association at Nagpur within a period of one week.

9. Learned counsel Shri S.P. Agrawal for the applicant/appellant to produce the copy of receipt showing the payment of costs to the Registry. On such

production of the receipt, Office is directed to register the second appeal and the applicant/appellant to remove all office objections.

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

JUDGE

!! BRW !!