

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

MISC. CIVIL APPLICATION NO.1295/2017
IN REJECTED S. A. NO.995/2017

Bakaram s/o Rajaramji Padole ..vs.. Nirmala wd/o Gopalchand Narayanrao
Jibhkate and ors.

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

Court's or Judge's orders.

Mr. N. G. Solao, Advocate for applicant.

CORAM : V.M. DESHPANDE, J.
DATED : NOVEMBER 15, 2017

This is an application for restoration of Second Appeal St. No.995/2017. This second appeal is filed by the original plaintiff whose decree is reversed by the appellate Court. After filing of the second appeal, the registry found that the second appeal is under objections namely; 5, 12, 15 and 16. The matter was placed before the Registrar (Judicial). The Registrar (Judicial) granted 14 days time to remove the office objections. The said order was that if the objections are not removed within stipulated period, the registration shall stand refused.

It appears that the objections were not removed within the stipulated period. Therefore, the Registration of the Second Appeal is refused.

I have heard Mr. Solao, learned counsel for the appellant and perused the application. The application is as vague as it could be. Though, it is

stated that the objection could not be removed due to ill health however the application is silent as to who was suffering from what ailment.

It is expected from an Advocate to file the application properly and there should not be any ambiguity in the application. However, for the fault of an advocate, the litigant should not suffer.

I have seen the signature of the applicant-Bakaram. The signature shows that he is an illiterate person and hardly having any knowledge but to put his signature.

In that view of the matter, the application is allowed. Second Appeal St. No.14384/2017 is restored to file, subject to payment of costs of Rs.500/- to be paid to the High Court Bar Association, within one week from today. The appellant to produce copy of the receipt on the record showing that the cost is paid. The learned counsel undertakes that all the office objections will be removed immediately. The statement is accepted. The office is directed to register the second appeal.

The application stands disposed of.

JUDGE