

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

CIVIL APPLICATION (CAO) NO.1633 OF 2017

AND

MCA ST.NO.20990 OF 2017

IN

REJECTED SECOND APPEAL NO.11753 OF 2017

Smt. Sulochana w/o Nilkanthrao Dongre and anr

..vs..

Shri Maroti Kesharao Hargude and ors

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

Court's or Judge's Order

Shri B.N. Mohta, Counsel for the applicants.

CORAM : V.M. DESHPANDE, J.

DATED : NOVEMBER 30, 2017.

1. Heard learned counsel Shri B.N. Mohta for the applicants.

2. Being aggrieved by judgment and decree passed by learned District Judge at Bhandara in Regular Civil Appeal No.99 of 2012 dated 9.2.2017 which arises out of judgment and decree passed by learned Joint Civil Judge Senior Division at Bhandara in Special Civil Suit No.14 of 2005 dated 23.6.2011, the applicants preferred the second appeal before this Court. The said second appeal was on stamp. During scrutiny, Registry raised certain objections. The time was also granted to remove office objections. However, within the stipulated time, the office objections were not removed. Consequently, conditional order

.....2/-

which was passed has taken its course and the registration of the second appeal is refused. Therefore, the applicants have filed Misc. Civil Application St. No.20990 of 2017 for restoration and since there was delay of 33 days, Civil Application No.1633 of 2017 for condonation of delay is filed. Both these applications are duly affirmed by Advocate Bhimsing Mohta for the applicants.

3. For the reasons stated in the applications, the applications are allowed. Delayed caused is condoned.

4. It is considered view of this Court that merely because office objections were not removed, that cannot be impediment for litigants to get their matters decided on merits. Consequently, conditional order passed by the Registrar (Judicial) refusing stamp is also set aside.

5. Subject to payment of costs of Rs.500/- to the High Court Bar Association at Nagpur by the applicants within a period of two weeks from today, Office to register the second appeal. The receipt showing the payment of costs to the High Court Bar Association at Nagpur should be placed on record.

6. The applications are allowed and disposed of.

JUDGE

!! BRW !!

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