

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

CIVIL APPLICATION (CAO) NO.1574/2017
AND
MCA ST.NO.22197/2017
IN
SA NO.314/2016

Shri Roshan Shah s/o Chottu Shah and ors
..VS..
Kabrasthan Muslim Committee, Sindh (Railway)

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

Court's or Judge's Order

Shri Kunal Nalamwar, Counsel for the applicants.

CORAM : V.M. DESHPANDE, J.
DATED : NOVEMBER 21, 2017.

1. Heard learned counsel Shri Kunal Nalamwar for the applicants.
2. Misc. Civil Application St.No.22197 of 2017 is for restoration of the second appeal which was dismissed for non-removal of office objections when it was on stamp. There is a delay of 548 days in moving the said application. Therefore, the civil application is for condonation of delay.
3. After filing the second appeal, when it was on stamp, the Registry of this Court raised certain objections. On 17.3.2016 fourteen days' time was granted to remove the office objections. However, during the said period, the office objections were not removed. Consequently, the registration of

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the second appeal was refused.

4. Submissions, as to why there occurred delay and why the office objections were not removed during the stipulated period, are on affidavits. I am of the view that opportunity to have substantive justice from the Court should not be denied by throwing on litigants on the ground that the litigant was unable to remove the office objections within the stipulated time.

5. Consequently, this Court allows both these applications.

6. The civil application for condonation of delay is allowed. The delay is condoned. The misc. civil application for restoration of the second appeal is allowed. The order refusing stamp to the second appeal is revoked. The second appeal is restored 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 from today. The receipt showing the payment of the costs should be placed on record. The office objections be removed within a period of two weeks from today.

7. Both applications are allowed and disposed.

JUDGE

!! BRW !!

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