

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

Civil Application (O) No. 1572/2017 &
Misc. Civil Application (St.) No. 22874/2017

In
Second Appeal (St) No. 10772/2017

(Dulichand S/o Ramchand Tarare Vs. State of Maharashtra thr. Collector,
Nagpur & anr.)

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

Court's or Judge's orders.

Shri D.J. Deshpande, Advocate h/f Shri A. Parchure,
Advocate for applicant.
Shri M. J. Khan, Assistant Government Pleader for non-
applicants.

CORAM : V.M. DESHPANDE, J.
DATED : NOVEMBER 20, 2017

Heard Shri D. J. Deshpande, Advocate h/f
Shri A. Parchure, learned counsel for the applicant and
Shri M. J. Khan, learned Assistant Government Pleader
for non-applicants.

Rule is made returnable forth with of these
two applications.

Civil Application (St.) No. 22874/2017 is for
restoration of the Second Appeal. The said application
is required to be moved since in the second appeal filed
on behalf of the present applicant which was on stamp,
the Registry raised certain objections. However, within
stipulated time, those objections were not removed.
Consequently, as per the order passed by the Registrar
(Judicial), Second Appeal (St.) No. 10772/17 was
refused.

The miscellaneous civil application for restoration of the second appeal is barred by limitation. Therefore, Civil Application No. 1572/2017 is moved for condonation of delay seeking prayer to condone delay of 15 days delay in moving the application for restoration of the second appeal.

Though both the applications are vehemently opposed by the learned Assistant Government Pleader Mr. M.J. Khan, it is my considered view that litigant should not be deprived of their matter to be decided on merits.

Learned counsel for the applicant submits that the applicant is ready to remove the office objections within a period of 10 days if the second appeal is restored.

Statement accepted.

Both the applications are allowed.

The delay of 15 days in moving the application for restoration of the second appeal is hereby condoned. The order of canceling Second Appeal (St.) No. 10772/17 is hereby revoked. Second appeal is restored to file subject to the learned counsel for the applicant deposits costs of Rs. 1000/- to the High Court Bar Association within a period of one week from today. The learned counsel for the applicant to place the receipt showing the payment of cost on the record. Ten days time is granted to remove the office objections.

With this, Rule is made absolute in both these applications. Applications are allowed and disposed of.

JUDGE