

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

CIVIL APPLICATION (CAO) NO.1628/2017
AND
MISC. CIVIL APPLICATION ST.NO.23741/2017 (RESTORATION)
IN
REJECTED SECOND APPEAL NO.1024/2017

Smt. Jeejabai w/o Bhaurao Bhoyar
..vs..
Shri Govinda s/o Keshao Pawankar and ors

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

Court's or Judge's Order

Mrs. V.P. Thakre, Counsel for the applicant.

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

1. Heard learned counsel Mrs. V.P. Thakre for the applicant.
2. The misc. civil application is for restoration of the second appeal. The stamp was refused for non-removal of office objections within a stipulated period as ordered by the Register (Judicial) on 10.8.2017. Objection Nos.3, 6, 9, 15, 18, and 19 were raised by the Office which were expected from the applicant to remove those objections within the stipulated period.
3. However, the applicant failed to remove those objections. Consequently, the stamp was refused.

4. The misc. civil application is for restoration of the second appeal. The said is barred by limitation. Delay is of 62 days.

5. 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.

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

7. 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.

8. Learned counsel Mrs. V.P. Thakre 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.

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

JUDGE

!! BRW !!

...../-