

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

CIVIL APPLICATION NO.1450/2017 IN SECOND APPEAL NO.160/2014

Harishchandra s/o Govind Gahane ..vs.. Nilkanth s/o Govind Gahane & ors.

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

Court's or Judge's orders.

Mr. Ritesh Badhe, Advocate for applicant.

CORAM : V.M. DESHPANDE, J.

DATED : DECEMBER 5, 2017

Heard Mr. Ritesh Badhe, Advocate for applicant.

Second Appeal No.160/2014 was admitted on 23.02.2016. Initially, Mr. A. Y. Kapgate, Advocate used to appear on behalf of non applicant nos.1 to 7. On 11.01.2017, the Registry has raised objection that Mr. A. Y. Kapgate, Advocate has not filed on record copy of the communication/notice given along with acknowledgment to non applicants regarding withdrawal of power. Therefore, the matter was placed before the Registrar (Judicial) for orders. On 12.01.2017, three week's time was granted to remove the office objections by the Registrar (Judicial). Office note dated 17.01.2017 also shows that Mr. Kapgate, Advocate did not file on record copy of communication regarding withdrawal of power. Therefore the matter was placed before the Court on 10.02.2016. This Court (Coram: R. K. Deshpande, J.) passed the following order.

“Four weeks time is granted to remove the office objection. If the objection is not removed within the stipulated time, the appellant will have to pay

cost of Rs.500/- to the High Court Bar Association, Nagpur.”

Since the order was not complied with, the matter was placed before this Court on 20.11.2017. On the said day, Mr. Badhe sought time to file the application for recall of the order dated 10.02.2017.

The objection that was raised by the office was regarding filing of the communication/notice by Mr. Kapgate, the learned counsel for the non applicant. The applicant and his counsel was nothing to do with the same.

Fault can be attributed to counsel for the applicant that on 10.02.2017, the learned counsel did not attend the Court and therefore it could not be pointed out to this Court that the objection was pertaining to the non applicant.

In that view of the matter, order dated 10.02.2017 is recalled partly and it is clarified that though the objection was not in respect of the non applicants, the order of payment of costs is maintained since Mr. Badhe, Advocate shows willingness to pay costs to the High Court Bar Association within one week.

The application is allowed and disposed of.

Mr. Badhe submits that he will be filing the private paper book within six months from today.

The statement is accepted.

JUDGE