

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

903 CIVIL APPLICATION NO.2292 OF 2018
IN RC/932/2017

BHIMASHANKAR SHIVARUDRAPPA MAHAJAN AND OTHERS
VERSUS

VIMALBAI BAJRANG GATTEWAR AND OTHERS

...

Advocate for Applicants : Mr. VG Kodale, Adv.
h/for Mr. Gunale V.D.

CORAM : P.R.BORA, J.

DATE : 6th June, 2018.

PER COURT :

1) Heard learned Counsel for applicants appellants. Learned Counsel submits that not all the office objections are removed. The learned Counsel further submits that since the office objections were not removed within the stipulated time, the learned Registrar, vide order passed on 19th July, 2017, has refused the registration of the second appeal. For setting aside the said order and restoration of the second appeal, the present application has been filed. Since there is delay, condonation of delay is also sought for. The reasons for occurrence of the delay are

explained in paras 3 and 4 of the application.

2) On perusal of the contents of the application and on going through the reasons so assigned for occurrence of the delay, it appears to me that the reasons as are assigned cannot be outrightly rejected. The delay does not seem to be intentional or with *malafide* reasons. In the circumstances and to provide the appellants an opportunity to agitate the second appeal on merits, I am inclined to allow the present application by imposing adequate costs on the applicants. Hence, the following order, -

ORDER

- i) The delay, caused in moving the application seeking restoration of the appeal, stands condoned;
- ii) The order dated 19th July, 2017 passed by the Registrar is quashed and set aside;
- iii) The second appeal on stamp stands restored to its original file subject to payment of costs of

Rs.1,000/- to the High Court Advocates'
Bar Library, Aurangabad.

(P.R.BORA)
JUDGE

bdv/