

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.**

**941 CIVIL APPLICATION NO.12372 OF 2018
IN RC/1142/2016**

RUSUTUMKHAN MANWARKHAN PATHAN
AND ANR

..Applicants

VERSUS

SANJAY YASHWANT PATIL AND ORS

..Respondents

...

Advocate for Applicants : Shri Shivaji K. Shirse

...

CORAM : P.R. BORA, J.

Dated: October 05, 2018

PER COURT :

1. Heard Shri Shirse the learned Counsel for the applicants.

2. The appeal filed by the present applicants was earlier dismissed by the order passed by the Registrar on 13.12.2016 for want of removing office objections by the applicants. This Court vide order passed on 28.11.2017 set aside the said order and restored the appeal. Vide the said order, the objections were to be removed within three weeks or else the order passed by the Registrar was liable to be revived. The applicants failed in removing the office objections within the said period of three weeks and the appeal, therefore, was again dismissed. The

learned Counsel has again now undertaken to remove the office objections within two weeks and has prayed for restoration of the appeal on stamp number filed by the claimants.

3. Considering the apparent negligence on part of the appellants - applicants, though I am inclined to allow the application, same is allowed by imposing some costs upon the applicants. Hence the following order.

ORDER

(i) The application is allowed subject to cost of Rs.1,000/- to be deposited by the applicants in the account of the High Court Bar Association's Library, Aurangabad.

(ii) The learned Counsel for the applicants to remove the office objections within two weeks.

(iii) First Appeal (St.) No.30159 of 2016 thus stands restored to its original file.

(iv) List the said Appeal for further consideration after three weeks.

(**PR. BORA, J.**)