

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1966 OF 2016
IN
REJECTED CASE NO.455 OF 2016
(SECOND APPEAL ST. NO.25587 OF 2015)

Shatrughna Agatrao Khandekar & Ors. ... Applicants
Vs.
Appasaheb Arjun Koli & Ors. ... Respondents

Ms.Bhavana Punalekar h/f Nitin P. Dalvi for the Applicants

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **APRIL 12, 2018**

P.C.:

1. This is an application for restoration of the Second Appeal which was dismissed pursuant to a conditional order dated 8.1.2016.
2. Learned Counsel for the applicants submits that the second appeal was dismissed by a conditional order dated 8.1.2016 directing the appellants to remove office objections within 4 weeks, failing which the matter will be dismissed, without reference to the Court. The learned Counsel submits that the appellant has failed to remove the office objections within four weeks as ordered and accordingly the Appeal came to be dismissed. However, the learned Counsel submits that she is ready to remove the office objections now and hence, prays for restoration of the appeal.

3. The appeal was dismissed before issuance of notices. Hence, no notice is required to be issued to the respondents.

4. In view of the submission of the learned Counsel for the applicants/appellants, the order dated 8.1.2016 is hereby set aside. The Second Appeal is restored to its original file on condition that the appellants shall remove all the office objections on or before 30.4.2018. If the office objections are not removed on or before the stipulated date, the Second Appeal to stand dismissed without any reference to the Court.

5. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)