

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 1756 OF 2017
IN
SECOND APPEAL (ST.) NO. 35538 OF 2016**

1) Mahadev Kondiba Desai
(deceased)

a) Smt. Yashoda Mahadev Desai & Ors.

.. Applicants

Vs.

1) Kondiba Tukaram Desai (Deceased)
thru L.Rs. & Ors.

.. Respondents

Mr. Anand S. Patil for applicants.

CORAM : K.K. SONAWANE, J.

DATE : 16TH OCTOBER 2018

P.C.

1 Heard the learned counsel for the applicants. Perused the application and other relevant documents as well as the impugned order dated 26th April 2017.

2 In view of the nature of the subject matter and for the reasons mentioned in the application, the application deserves to be allowed. The learned counsel for the applicants undertakes to remove the entire office objections within a period of three weeks from today.

3 Accordingly, the application stands allowed in terms of prayer clauses (a) and (b).

4 The delay caused in filing the present application is hereby condoned. The impugned order dated 26th April 2017 passed by the Registrar (Judicial-II) is hereby set aside and quashed. The proceedings of the Second Appeal (St.) No. 35538 of 2016 be restored at its original stage, subject to condition that the applicants shall remove the entire office objections within a period of three weeks, failure to which, the present order of restoring Second Appeal (St.) No. 35538 of 2016 will stand vacated automatically without further reference to this Court.

5 After restoration of Second Appeal (St.) No. 35538 of 2016 and after removal of the entire office objections, list the same for further process as per C.M.I.S.

6 Civil application stands disposed accordingly in above terms.

(K.K. SONAWANE, J.)