

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

**CIVIL APPLICATION NO. 1757 OF 2017
IN
R.C. NO. 1891 OF 2017**

Bhagwat Gabaji Navale ... Applicant/Appellant
V/s.
Leelabai Yadav Raktate & Ors. ... Respondents

Mr. Manoj Nayak for the Applicant/Appellant.

CORAM : K.K. SONAWANE, J.

DATE : 17th OCTOBER, 2018.

P.C. :

1 Heard learned Counsel for the Applicant. He submits that in another connected proceeding, this Court was pleased to restore the proceeding of the Second Appeal for further process. Both the proceedings are arising from one and the same judgment and order passed by the District Judge, Niphad, District Nashik, in Regular Civil Appeal No.16 of 2010. According to the learned Counsel, the non-compliance of the conditional order in the present matter was not intentional but inadvertently the Applicant could not remove the office objection within stipulated period resulting into refusal of the registration of the Appeal. He undertakes to remove the office objection within a period of two weeks.

2 In view of submission advanced on behalf of learned Counsel for the Applicant and the reasons mentioned in the Application, the Application deserves to be allowed.

3 Accordingly, the Application stands allowed in terms of prayer clauses (A) and (B). The delay caused for filing the present Application stands condoned. The impugned order passed by the Registrar, Judicial (II) dated 20.09.2016 is hereby set aside and quashed. The proceeding of the Second Appeal (Stamp) No.12159 of 2016 accompanied with the Civil Application (Stamp) No. 12160 of 2016 be restored at its original stage subject to condition that the Applicant shall remove the office objection within a period of two weeks after restoration, failure to which the present order for restoration stands vacated without further reference to this Court.

4 In view of aforesaid, the Civil Application stands disposed of.

(K.K. SONAWANE, J.)