

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 239 OF 2018
IN
REJECTED CASE NO. 1369 OF 2017
(SECOND APPEAL ST. NO. 3398 OF 2016)

Mr.Vishnu Mahadev Mhatre

...Applicant

Versus

Smt.Bhagubai Vithu Pawshe & Ors.

...Respondents

.....
Mr.Sachin R. Pawar for the Applicant.

.....

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **MARCH 01, 2018**

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. This Application is moved for restoration of Second Appeal, which was dismissed by conditional order dated 16th August, 2016 passed by Registrar (Judicial-II).
3. The learned counsel for the applicant submitted that the Second Appeal was dismissed for non-removal of office objection. He further submits that the office objection which remained to be removed was of very technical nature. He submitted that he will

remove the office objection within a period of two weeks from today. He prays that there is a delay of 1 year and 149 days in filing the present Civil Application and the same be condoned. He further prays that the conditional order dated 16th August, 2016 be recalled, as the Appeal was dismissed before issuance of notice.

4. In view of the above submissions, the conditional order dated 16th August, 2016 of dismissing the Second Appeal is hereby set aside. Second Appeal is restored to its original file. Delay is condoned. The applicant shall remove the office objection within a period of two weeks. If the objection is not removed within the stipulated time, the Appeal will be dismissed without referring to the Court.

5. Civil Application is allowed and is accordingly disposed of.

(MRIDULA BHATKAR, J.)