

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION No. 652 OF 2016
WITH
CIVIL APPLICATION No. 653 OF 2016
IN
CIVIL APPLICATION NO. 32761 OF 2014
IN
CIVIL APPLICATION NO. 76 OF 2013
IN
SECOND APPEAL No. 743 OF 2012**

Shivaji Maruti Pingale ... Applicant
Vs.
Ganpat Dagdu Pingale & Ors. ... Respondents

Mr. Jayant Gohil, Advocate for the applicant.
Mr. Sandeep A. Bhagwat, Advocate for respondent no. 1A.

**CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 18th April, 2018.**

P.C.:

A chain of Applications for restoration of the Application, for condonation of delay in filing Application for Restoration Application, further the Application for condonation of delay in filing the Application for bringing legal heirs of respondent No. 1 on record are moved.

2. The Civil Applications are moved for condonation of delay for taking out Restoration Application to restore Civil Application (St.) No. 32761 of 2014 to file and record for hearing along with Civil

Application No. 76 of 2013, which is moved for bringing legal heirs on record. It is prayed that Civil Application (St.) No. 32761 of 2014 was dismissed for want of removal of office objections on 5th May, 2015 and so also the consequential order dated 2nd September, 2015 passed by Registrar (Judicial) in Civil Application (st.) No. 32761 of 2014 and in Civil Application No. 76 of 2013.

3. The learned counsel for the respondent No.1A opposed the Applications, as there is delay and sufficient cause is not given. He seeks time to file reply.

4. Second Appeal No. 743 of 2012, in which all these Applications are filed, is still pending for admission. The applicant is an agriculturist from Village Damani, Taluka Shirur, District Pune. Civil Application No. 76 of 2013 was filed for bringing legal heirs of respondent No. 1 where there is delay of 16 days in filing the Application. So, the appellant made a separate Application for condonation of delay of 16 days, which is numbered as Civil Application (St.) No. 32761 of 2014. However, in the said Application, the address of proposed respondents, i.e., legal heirs of deceased respondent No. 1, was not correctly given, hence, registry

raised office objection and by order dated 5th May, 2015 gave time to remove office objections, otherwise the Application shall be refused for registration. The applicant failed to comply with the order and hence by the said order, the Application (St.) No. 32761 of 2014 moved for condonation of delay in filing Application for bringing legal heirs of deceased respondent No. 1 was dismissed and thus, Civil Application No. 76 of 2013 for bringing legal heirs of deceased respondent No. 1 also came to be dismissed. Therefore, these Civil Applications are moved with above prayers.

5. It is to be noted that there was only 16 days delay in filing the Application for bringing legal heirs of deceased respondent No. 1 on record. Considering these facts and the status of the applicant, I allow these Civil Application. The orders dated 5th May, 2015 and 2nd September, 2015 are hereby set aside. Civil Application (St.) No. 32761 of 2014 and Civil Application No. 76 of 2013 are restored to its original file.

6. Civil Applications are allowed and are disposed of accordingly.

(MRIDULA BHATKAR, J.)