

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION (CAO) NO.673/2018

WITH

MCA ST.NO.25213/2017

IN

FA ST.NO.5976/2016

Mohd. Suffi Abdul Razzaq and ors

..VS..

State of Mah., thr. Collector, Yavatmal and ors

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

.....
Shri V.N. Patre, Counsel for the applicant.

CORAM : V.M. DESHPANDE, J.

DATED : AUGUST 31, 2018.

1. Heard learned counsel Shri V.N. Patre for the applicant.
2. Learned counsel Shri M.A. Kadu waives service for non-applicant No.4 and learned Assistant Government Pleader Shri A.M. Balpande waives service for non-applicant Nos.1 to 3.
3. Being dissatisfied with judgment and order dated 23.10.2015 passed by learned Civil Judge Senior Division, Darwha in LAC No.1605/2004, the applicant preferred an appeal before this Court. The said appeal was barred by limitation. Therefore, an application for condonation of delay was also filed.
4. The appeal filed by the applicant was under office objections and in spite of the time given by the Registry, the office objections were not removed. Therefore, the Registrar passed

order on 7.6.2016 and ultimately registration of the first appeal stamp was refused by the end of 21.6.2016. In order to restore the first appeal stamp, a misc. civil application was moved. However, as there was delay for filing the said application, an application for condonation of delay in filing the misc. civil application for restoration of the first appeal stamp is filed.

5. Though the application for condonation of delay and misc. civil application for restoration of the first appeal stamp are vehemently opposed by learned counsel Shri M.A. Kadu for non-applicant No.4 and learned Assistant Government Pleader Shri A.M. Balpande for non-applicant Nos.1 to 3, in the interest of justice, following order is passed.

ORDER

- i) Civil Application (CAO) No.673/2018 is allowed.
- ii) Delay in moving misc. civil application for restoration of the first appeal is hereby condoned.
- iii) Misc. Civil Application St.No.25213/2017 is allowed.
- iv) Order passed by the Registrar on 7.6.2016 and its consequence that occurred on 21.6.2016 is hereby revoked. The first appeal stamp is restored to file.
- v) Learned counsel for the applicant to remove the office objections positively within a period of 3 weeks from today.
- vi) With this, the civil application and the misc. civil application are allowed and disposed of accordingly.

JUDGE

!! BRW !!

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