

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**1093 CIVIL APPLICATION NO.7253 OF 2019
IN RC/886/2016**

**THE EXECUTIVE ENGINEER, MIOR IRRIGATION DIVISION,
OSMANABAD THR GMIDC AURANGABAD
VERSUS
DATTU GENA KEDAR**

...
Advocate for Applicant : Mr. Dheple Shantaram R.

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 26th JULY 2019

ORDER :

. Present application has been filed for getting the delay of 1011 days condoned in filing civil application for setting aside the learned Registrar's order and also for setting aside the order passed by learned Registrar (Judicial) dated 19.07.2016 refusing the registration of the first appeal for non removal of office objections.

2. At the outset, it can be seen that since the registration itself was refused there was no occasion to issue notice to respondent and therefore, now, it is not necessary to issue notice to the respondent. The applicants submit that the advocate for the applicant inadvertently could not remove the office objections and the said order came to be passed. When the advocate is blaming himself, then applicant No.1, who is the

acquiring body, need not suffer. However, taking into consideration the duration of the delay, definitely cost deserves to be imposed. Hence, following order :

ORDER

- i) Delay stands condoned.
- ii) Civil Application is allowed subject to deposit of cost of Rs.500/- to the High Court Legal Services Sub-Committee, Aurangabad. Cost to be deposited within a period of one week.
- iii) The order passed by the learned Registrar (Judicial) dated 19.07.2016 is hereby set aside.
- iv) Applicant to remove all office objections on or before 23.08.2019.

(Smt. Vibha Kankanwadi, J.)

Shubham/