

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

**916 CIVIL APPLICATION NO.15184 OF 2018
IN RC/1155/2017**

RAJKUMAR JIVANRAO PATWARI (DIED) LRS SUNITA AND OTHERS

VERSUS

SUNITA NAMDEO MASKE AND OTHERS

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Mr. R.D. Biradar, Advocate for the applicants

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 27th MARCH, 2019

PER COURT :

1 Present application has been filed for recall of order dated 20.09.2017 passed by learned Registrar (Judicial) in Second Appeal Stamp No.20613 of 2017 and for restoration as well as condonation of delay of 373 days.

2 At the time of passing of order dated 20.09.2017, notice was issued to respondent. It is not necessary to issue notice to the respondent at this stage. The said Second Appeal was filed but there were few office objections, which the appellants failed to remove and it was stated by

Registrar (Judicial) that inspite of availing sufficient chances the office objections are not removed and therefore the registration was refused. The learned Advocate appearing for the applicants blames himself for not removing those office objections and not noticing the order passed by learned Registrar (Judicial). He says that the delay is attributable to him. Under such circumstance, the client should not suffer. Therefore, the application is allowed. However, the Advocate for the applicant should pay costs of Rs.1,000/- to the High Court Legal Services Sub Committee, within a period of 15 days, from the date of this order. The delay caused in filing the present appeal is hereby condoned.

3 The order passed by learned Registrar (Judicial) dated 28.09.2017 is hereby recalled.

4 Appellant to remove office objections within a period of four weeks thereafter i.e. after the deposit of the amount as directed earlier.

5 Application stands disposed of accordingly.

(Smt. Vibha Kankanwadi, J.)