

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO.1167 OF 2018

IN

REJECTED CASE NO.564 OF 2016

Shivaram Dhondu Murkar

... Applicant

Vs

Naresha P. Nagavekar and Ors.

... Respondents

...

Mr. Shivkumar Mishra for the Applicant.

Mr. N.N.Gavankar I/by Mr. Manas N. Gawankar for the
Respondent No.1.

CORAM : SANDEEP K. SHINDE J.

DATE : 30 JANUARY, 2019

P.C. :

Heard learned counsel for the parties.

2 *It is an application for recalling the order dated 30th November, 2015 passed by the Registrar (Judl)-II whereby the applicant was granted two weeks' time to remove office objections failing which the Second Appeal would stand rejected along with all the civil applications without reference to the Court. That the since the applicant did not remove the office objections, the appeal was dismissed, of which restoration is sought. This application is for*

condoning the delay of two years and 179 days caused in preferring application for restoration of the appeal.

3 *This application was adjourned from time to time for want of presence of the applicant or at his request. Today also, the learned counsel for the applicant seeks adjournment.*

4 *The learned counsel for the applicant has pointed out that averments in paragraph 9 of the application which according to him prevented him from filing this application within time. It is stated in paragraph 9 that applicant's wife was hospitalised and, therefore, he could not remain present for filing application. Paragraph 9 lacks better particulars as to in which hospital and for how many days, applicant's wife was hospitalised.*

5 *Be that as it may, in my view, sufficient cause has not been shown for condoning the delay of two years and 179 days. Application is, therefore, dismissed with no order as to costs.*

(SANDEEP K. SHINDE, J.)