

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

CIVIL APPLICATION NO.1079 OF 2018
IN
SECOND APPEAL (ST) NO.1026 OF 2016

1 Shri Ramesh Jagannath Chandak
Deceased through his legal heirs
1A. Smt. Shobha Ramesh Chandak
& Ors.

... Applicants

Vs

Shri Amolakchand Dhikalchand Chandak
Deceased through his legal heirs & Ors.

... Respondents

...

Mr. Mrityunjay Barai i/by Mr. S.D.Shinde for the Applicants.
None for the Respondents.

CORAM : SANDEEP K. SHINDE J.
DATE : SEPTEMBER 9, 2019

P.C. :

Defendants in the Regular Civil Suit No.27 of 2002 have preferred Second Appeal against the decree dated 16th October, 2014 passed in Civil Appeal No.52 of 2007.

2 By self-operative order dated 2nd August, 2016, appeal was dismissed for non-removal of office objections.

3 Applicants are seeking restoration of the appeal with the prayer that delay of 583 days caused in preferring application may be condoned.

4 Heard the learned counsel for the applicants. Perused the application.

5 The learned counsel for the applicants undertakes to remove all office objections within two weeks from today. Undertaking is accepted. Subject to Undertaking and subject to cost of Rs.5,000/- to be paid to Kirtikar Law Library within two weeks from today, application is allowed in terms of prayer clause (a).

6 In the result, order dated 2nd August, 2016 passed by the Registrar (Judl-II) is recalled and appeal is restored to the file subject to conditions stated here-in-above.

7 It is clarified that if the office objections are not removed within two weeks and if the cost is not deposited as directed, appeal shall stand dismissed without further reference to this Court.

8 Application is allowed and disposed of in the aforesaid terms.

(SANDEEP K. SHINDE, J.)