

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

**CIVIL APPLICATION NO. 342 OF 2019
IN
REJECTED CASE NO. 492 OF 2019**

Dilip Shridhar Belwalkar (since deceased) :
Jayshree Dilip Belwalkar and ors.Applicants
In the matter between :-
Razia BegumAppellant
V/s.
Brihanmumbai Mahanagarpalika and ors.Respondents

Mr. Ritesh A. Singh i/b. Sanjeev R. Singh for the
applicants.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 04th OCTOBER, 2019**

P.C.:-

. The applicants herein have sought to condone the delay of 53 days in filing the application for restoration of appeal and further prayed for restoration of First Appeal No.266/2008 which was dismissed for non removal of office objections.

2. The records reveal that by order dated 25/10/2018, 29/11/2018 and 21/12/2018, time was granted to the applicants to remove the office objections. Finally, by order dated 25/01/2019, the time was further extended by four weeks and the applicant was put to notice that the registration would stand refused if office objections were not removed. Non compliance of the conditional order has resulted in

dismissal of the appeal.

3. The learned counsel for the applicant makes a statement that the office objections will be removed within a period of four weeks.

4. In the light of said statement and in view of the reasons stated in paragraph 11 of the application, delay is condoned and dismissal order dated 25/01/2019 is recalled subject to payment of costs of Rs.5,000/- to be paid to Juvenile Justice Fund. Appeal is restored to file subject to payment of costs of Rs.5,000/- and be listed as per its turn.

5. Needless to state that in the event the office objections are not removed within four weeks and costs as aforesaid is not paid, the appeal shall stand dismissed without further reference to this Court.

6. Civil Application No.342 of 2019 stands disposed of.

**Preeti H.
Jayani**

Digitally signed by
Preeti H. Jayani
Date: 2019.10.10
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(SMT. ANUJA PRABHUDESSAI, J.)