

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 2716 OF 2018
IN
CIVIL APPLICATION (ST) NO. 4818 OF 2015
IN
FIRST APPEAL NO. 358 of 2014

Smt. Vishwanath Limbaji Marathe

..Applicant

v/s.

Shri Zipra Dhama Waringe (deceased)
through LR. Piraji Zipaji Waringe & Ors.

..Respondents

Mr. Karan Thorat for the Applicant.

Mr. Prabhakar Jadhav for the Respondent Nos.1 to 6.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 08 FEBRUARY, 2019.

P.C.

1. Heard.
2. By this application, the applicant has sought to condone the delay of two years and 162 days in filing the application for restoration to recall the conditional order passed by the learned Registrar, (Judicial-II) on 9th December, 2015 and to restore the said Civil Application (st) No. 4818 of 2015 filed in First Appeal 358 of 2014.

3. The appeal filed by the applicant was admitted on 17th February, 2015. The applicant had filed application being Civil Application (st) No. 4818 of 2015 seeking interim relief. By order dated 9th December, 2015 the learned Registrar, (Judicial-II), had granted four weeks time to the applicant to remove the office objections, failing which the application was to be rejected. The applicant did not remove the office objections and the same resulted in dismissal of the application.

4. The applicant has stated that the earlier Advocate on record had failed to take steps to remove the office objections. The applicant has further stated that he was not aware of the conditional order passed by the learned Registrar and that the Advocate on record had not informed him about the said order. The applicant has further stated that he was under the impression that the order of injunction /status quo was passed at the time of admission of the appeal. The appellant has further stated that his young daughter of 25 years, who was a Computer Engineer had expired and he was mentally disturbed on account of the sudden death of this daughter.

5. The learned Counsel for the applicant has made a statement

that the office objections would be removed within a period of two weeks. The statement is accepted.

6. In the light of the said statement, as well as in view of the reasons stated by the applicant in the application, which in my considered view constitute sufficient grounds, the application is allowed on cost of Rs.15000/- (Rupees Fifteen Thousand Only) to be paid to the respondent.

7. Order dated 9th December, 2015 is recalled.

8. Civil Application (St). 4818 of 2015 is restored to the file.

(ANUJA PRABHUDESSAI, J.)