

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3668/2016
IN
REJECTED CASE NO1526/2016

Chandrakant D. Thankar Applicant.
Vs.
Balasaheb T. More through LR's... Respondents.

Advocate Dilip Shinde I/b Amol Mhatre for applicant.

CORAM : K.K.TATED, J.
DATED : JULY 8, 2019.

P.C.

Heard learned counsel for applicant.

2. By this civil application applicant is seeking restoration of first appeal (stamp) no.30291/2015 which stands dismissed in view of order dated 24/02/2016 passed by Registrar (Judicial II) for non removal of office objections.

3. Learned counsel for applicant submits that for want of communication between learned advocate for applicant and applicant, it remained on their part to remove office objections. In support of his contention he relies on para 4

of the application. He submits that in the interest of justice this court be pleased to restore first appeal. He submits that they have good chance of success.

4. Considering the submissions made by learned counsel for applicant, earlier orders passed by Registrar (Judicial II) and the reasons disclosed by applicant in para 11, I am satisfied that applicant has made out a case for following order but at the same time he has to pay cost of Rs.2,500/-.

5. Hence, the following order.

- a) Delay in filing first appeal is condoned.
- b) Order dated 24.2.2016 passed by Registrar (Judicial II) is set aside.
- c) First appeal (stamp) no.30291/2015 is restored on file for hearing on its own merits.
- d) Applicant to pay cost of Rs.2500/-.
- e) Cost to be deposited in Kirtikar Law Library, High Court, Main building, Mumbai on or before 26/7/2019 and place on record receipt thereof failing which, the civil application shall stand dismissed without referring back to the court.
- f) Applicant to remove all office objections in First Appeal (stamp) 30291/2015 on or before 3.8.2019

failing which civil application shall stand dismissed without getting back to the court.

g) Civil application disposed of.

(K.K.TATED, J.)

