

DDR

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

**CIVIL APPLICATION NO. 954 OF 2019
IN
SECOND APPEAL NO. 612 OF 2004**

Saraswati Dharma Patil (deceased)
through LR's & ors. ..Applicants
vs.
Parvati Shankar Kavale (deceased)
through LR's & ors. ..Respondents

....
Shri Niranjana A. Mogre for applicants.
Shri Prithviraj Gole I/b. Shri Sandesh D. Patil for respondent
Nos. 4 & 7.
Shri Nikhil Dongre I/b. S.S. Kanetkar for respondent No.1.

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CORAM : M.S.KARNIK, J.

DATE : 26th JULY, 2019

P.C. :

This is an application for recalling conditional order dated 10/3/2015 passed by the Registrar, Judicial – II. The Second Appeal is dismissed for non payment of bhatta charges.

2. The application is opposed by learned counsel appearing on behalf of the respondents. However, in my opinion, the appellant should not be deprived of the opportunity

of hearing on merits only on account of their failure to remove all office objections more so when satisfactory reasons have been given in the application for non compliance of the order.

3. The application is allowed while condoning the delay and recalling the order passed by the Registrar.

4. The application is allowed in terms of prayer clauses (a) and (b).

5. The Civil Application is disposed of.

(M.S.KARNIK, J.)