

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

**CIVIL APPLICATION NO.1751 OF 2017**  
**IN**  
**SECOND APPEAL (ST) NO.3390 OF 2017**

Birappa S/o. Sheku Mote & Anr. ... Applicants

IN THE MATTER BETWEEN

Birappa S/o. Sheku Mote and Anr. ....Appellants

Vs

Shri Anand S/o. Dhondappa Vhanmane ... Respondent

...

Mr. Tejas Pawar i/by Mr. Bhushan Walimbe for the Applicants.  
None for the Respondent.

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

**P.C. :**

By order dated 5<sup>th</sup> May, 2017, Registrar (Judl-II) granted four weeks time excluding vacation to remove office objections. In view of this self-operative order, appeal was dismissed of which restoration is sought.

2 On 1<sup>st</sup> July, 2017, this Court passed conditional order and directed the appellants to remove office objections within one week from that day failing which appeal would stand dismissed

without further reference to this Court. Applicants have not complied with the said order.

3           On 26<sup>th</sup> July, 2017, application is filed for restoration of appeal recalling the order dated 1<sup>st</sup> July, 2017.

4           The learned counsel for the applicants submits that for want of instructions, office objections could not be removed in-as-much as applicant no.1 met with an accident. The counsel has pointed out the certificate issued by Dr. Sanjay Dantkale dated 21<sup>st</sup> July, 2017, which shows that applicant no.1 was under treatment of Dr. Sanjay Dantkale on OPD basis, from 27<sup>th</sup> April, 2017. It appears that this fact was not brought to the notice of this Court when on 1<sup>st</sup> July, 2017, applicants were granted week's time for removing office objections. Fact remains that certificate dated 21<sup>st</sup> July, 2017 does not even indicate that the applicant was not able to give instructions and that too, for removing office objections ! No '*sufficient cause*' has been shown. Application is, therefore, dismissed.

**(SANDEEP K. SHINDE, J.)**