

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Civil Application (CAO) No.745/2019
in
Misc. Civil Application St. No.633/2019

Bhaskarrao Pandav Vs. Marotrao Pandav and Anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. P.R. Agrawal, Advocate for appellant.

CORAM : MANISH PITALE, J.

DATED : SEPTEMBER 03, 2019

These are the applications seeking restoration of appeal and for condonation of delay of 910 days in filing the application for restoration.

2. Notice was issued in these applications and the respondents have been duly served, although they are not represented through counsel.

3. In this backdrop, the learned counsel for the applicant is heard on the prayer for condonation of delay and for restoration of appeal. It is pointed out that in the application for condonation of delay that the Advocate through whom the appeal was initially filed was later appointed as Assistant Government Pleader at Amravati District Court and that he was unable to attend the proceedings in this Court. It was further

pointed out that when earlier the appeal was dismissed for failure to remove the office objection, it stood restored on the condition that costs will be paid and objections will be removed within stipulated period. The costs were paid, but the objections were not removed, which include filing of certified copies of the Judgment and order. It is contended that the applicant is 78 years old person and that he was unable to pursue the proceedings before this Court for the reason, *inter-alia*, that the counsel earlier engaged had been appointed as Assistant Government Pleader. The learned counsel appeared for the applicant points out that the certified copies are ready for filing and that they will be placed on record for removal of office objection and that delay deserves to be condoned in the interest of justice, particularly since the impugned Judgment and order passed by the First Appellate Court had reversed the original order passed by the Trial Court.

4. For the reasons stated in the applications, the present applications are allowed. Accordingly, delay is condoned and the appeal is directed to be restored, subject to the learned counsel for the applicant removed office objections within a period of two weeks from today.

JUDGE