

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

CIVIL APPLICATION NO. 2245/2018 IN
MISC. CIVIL APPLICATION ST. NO. 20064/2018 IN R.C. NO.610/2013
IN S.A.ST.NO.10430/2013

Ganesh Lowasrao Wankhade .vs. Kumud Pandurangji Chikate

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

Court's or Judge's orders.

Mr. S. U. Bhuyar, Advocate for applicant.

CORAM : V. M. DESHPANDE, J.
DATED : AUGUST 2, 2019

This is an application for condonation of delay in
filing revision/application for restoration of Second Appeal
Stamp No.10430/2013 (Rejected No. 610/2013)

Heard Mr. Bhuyar, learned counsel for the
applicant. Learned counsel for non applicant chose not to
remain present. However, I have perused the reply filed on
behalf of non applicant to this application, opposing this
application.

The applicant filed Second Appeal Stamp No.
10430/2013. The Second Appeal was filed on 21.06.2013.
By the second appeal, the applicant/appellant challenged the
judgment and decree dated 22.02.2013 passed by learned
Principal District Judge, Amravati in Regular Civil Appeal
No.137/2009. The appeal was barred by limitation of 12
days. Hence, the application for condonation of delay
bearing Civil Application Stamp No. 10434/2013 was filed.

Registry raised office objections. Office objections were pertaining to deficit Court fee as well as certified copy of judgment and decree of the trial Court. Mr. Bhuyar, learned counsel for the applicant, submitted that since the applicant did not supply copy and did not pay deficit Court fee amount, the office objections could not be removed within time. The appeal was listed before Registrar (Judicial) on 18.07.2013, thereby refusing registration on account of removal of office objection. The learned counsel further submitted that he informed the status of the case to the applicant on 19.07.2013. However, the applicant has not taken any steps for restoration.

Learned counsel submitted that the applicant is working as a Peon in Zilla Parishad, Amravati and was required to take travel daily. It is also stated that he was totally engrossed with education of his children, marriage of his daughter and medical treatment of his mother and, therefore, he could not take steps in the matter for restoration and on 23.08.2018 only he asked the counsel to take steps in the matter and thereafter, after taking search of the matter, the present application was drafted by his counsel and it is filed.

Submissions made in paragraph (4) of application are pressed for restoration. Perusal of those averments will show that those are the most general in nature. Further, though it is stated that applicant was busy in taking care of his mother who was under medical treatment, no documents pertaining to that is filed on record.

The Court fee was not paid. Certified copies were not placed on record about which office objections are raised by the Registry. According to the application, though this fact was informed by the learned counsel to the applicant and asked to take steps for removal of the office objections, for want of cooperation from the applicant, office objections were not removed.

Learned Registrar (Judicial) has refused registration on 18.07.2013 and the present application is filed on 27.08.2018 i.e. after a period of five years. No satisfactory reasons are placed on record by the applicant.

In my opinion, the applicant has failed to explain the delay properly. Consequently, there is no merit in the application. The application is, therefore, rejected.

JUDGE