

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**9 CIVIL APPLICATION NO.12532 OF 2019
IN RC/531/2018**

RAMRAO PUNDLIK NAIKWADE
VERSUS
ESTATE MANAGER, MAHARASHTRA STATE FARMING CO. LTD.
AND OTHERS

Mr. Shivraj B. Kadu, Advocate for the applicant
Mr. Parag V. Borde, Advocate for respondent No.1

CORAM : S. M. GAVHANE, J.

DATE : 20-01-2020

P. C.

. Heard learned counsel appearing for the applicant and respondent No. 1.

2. Respondent No. 2-B and 2-C are served with the notice of this application but they have not appeared. It appears that respondent No.2-A is dead.

3. Applicant who has filed second appeal aggrieved by the decision in RCA No. 29 of 2011 has filed this application to condone the delay of 138 days caused in filing the application for restoration of second appeal filed by him which was dismissed on 21-03-2018 as the applicant failed to remove the office objection.

4. Learned counsel for the applicant/ original plaintiff submitted that applicant was to remove the office objection, but he could not remove the office objection and therefore by order dated 21-03-2018 of the Registrar (Judicial) registration of the appeal was refused. After the said order the applicant could not file application for restoration of the appeal in time. It is submitted that the delay caused in filing the application is not deliberate. Substantial right of the applicant is involved in the present matter. If delay is condoned no prejudice would be caused to other side.

5. Learned counsel for respondent No. 1 opposed to grant the application, however, there is nothing on record to substantiate the objection.

6. Considering the submissions of the learned counsel for the applicant and particularly the fact that when the Advocate for the applicant tried to circulate the matter, he came to know about the order of Registrar (Judicial) dated 21-03-2018 refusing the registration and that substantial right of the applicant is involved in the present matter it is just to re-call the order dated 21-03-2018 passed by Registrar (Judicial) refusing the registration of the appeal by condoning the delay in the ends of justice. Therefore, application is allowed in terms of prayer clauses (B) and (C) on condition that the applicant shall remove office objection within two weeks from today.

[S. M. GAVHANE, J.]