

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.9173 OF 2019
IN RC/1046/2018

BHAUSAHEB VITTHAL KALE
VERSUS
HARIBHAU BHURAO PANDHARE

Mr.T.M. Shaikh h/f. Mr. V.R. Dhorde, Advocate for the applicant.

CORAM : S.M.GAVHANE, J.
DATED : 13.01.2020

P.C. :-

. The applicant is original plaintiff. He had filed Second Appeal challenging the judgment and decree dated 27.06.2017 passed by the Appellate Court, but the said appeal was dismissed as the applicant failed to remove office objections, as per order dated 04.07.2018 of the learned Registrar (Judicial). Said order reads as under :-

"1. At the request of applicant's advocate, last one week time is granted for removal of objections. In case objections are not removed within stipulated time, in that case registration shall be treated to be refused without further reference."

2. Learned counsel appearing for the applicants, referring to the grounds mentioned in paragraph Nos. 2 and 3 of the application submitted that the applicant was

informed telephonically to supply legible copies of the documents in the light of office objection. The applicant also tried to get them typed from various typists, however, none of the typists to whom he approached, were able to understand/read said pages for the purpose of typing and hence he could not take necessary steps with regard to the objected pages and as a result, due to non-removal of office objection within stipulated time, in the light of order of the Registrar (Judicial), the appeal was dismissed. It is further submitted that the delay has been caused in obtaining the legible copies of the documents and filing restoration application. It is submitted that in the light of grounds mentioned in paragraph Nos.2 and 3 of the application, delay caused in filing this application may be condoned and the application may be allowed. It is also submitted that no notice was issued to the respondents in the appeal.

3. Considering the submissions made by learned counsel appearing for the applicant and the grounds mentioned in paragraph Nos.2 and 3 of the application and submissions of the learned counsel appearing for the applicant that within two weeks, the applicant will remove office objection, the application needs to be allowed, by condoning the delay.

4. Therefore, the application is allowed in terms of prayer clauses (A) and (A-1) on condition that the applicant will remove office objection within two weeks from today.

[S.M.GAVHANE, J.]