

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

926 CIVIL APPLICATION NO.15128 OF 2019
IN RC/1058/2019

SAHEBRAO LIMBAJI JOGDAND LRS SULOCHANA AND OTHERS
VERSUS
MALIKARJUN NIVRUTTI IRE AND ANOTHER

Mr.A.D. Shinde, Advocate for the applicants.
Mr.S.S. Choudhari, Advocate for respondent No.1.

CORAM : S.M.GAVHANE,J.
DATED : 29.01.2020

P.C. :-

. The applicants/legal representatives of sole appellant-Sahebrao Limbaji Jogdand have filed this application to condone delay of 153 days caused in filing application to set aside order dated 19.06.2019, refusing registration of appeals/civil applications and to restore the Civil Application St. No.32585 of 2018, passed by the Registrar (Judicial) of this Court.

2. Mr.Shinde, learned counsel for the applicants submitted that sole appellant/father of the applicants filed Second Appeal No.95 of 2012. Said appeal was admitted. Thereafter, sole appellant died on 02.04.2018. Thereafter, his legal representatives – present applicants filed Civil Application St. No. 32585 of 2018

to bring them on record and to prosecute the appeal. In the said application, there was office objection that for these applicants separate Vakalatnama was not filed. The applicants were granted time of one week as per order dated 19.06.2019 of the Registrar (Judicial), but he could not file Vakalatnama and could not remove office objection within time. As effect of that conditional order, registration of application was refused and therefore this application.

3. Learned counsel appearing for the applicants submitted that now he is having Vakalatnama of the applicants and he will be filing the same within a week. It is submitted that valuable rights of the parties are involved in the Second Appeal and therefore this application be allowed, so that, the applicants would prosecute the appeal filed by their father, by condoning the delay and Civil Application St.No.32585 of 2018 be restored.

4. Learned counsel appearing for the respondents opposed to grant the application, but there is no material to substantiate said objection.

5. Considering the submissions made by learned counsel appearing for the applicants and the

circumstances noted earlier and the grounds mentioned in the application and the nature of office objection, which was to be complied by the applicants, the delay caused in filing this application needs to be condoned and their application needs to be restored by setting aside order as prayed in the interest of justice, on some costs payable to the respondents.

6. Therefore, the application is allowed in terms of prayer clauses (B) and (C) on costs of Rs.1000/- (Rupees One Thousand) payable to respondent No.1, on applicants' removing office objection within one week from today.

[S.M.GAVHANE,J.]