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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.6432 OF 2021
in
R.C.NO.1062/2018
IN
CIVIL APPLICATION ST.NO.39669/2017
IN
SECOND APPEAL ST.NO.39667/2017

Tulsabai w/o Radhakisan Sable = APPLICANT
(Orig.Appellant)

VERSUS

1) Suresh s/o Sitaram Sable
and Ors. = RESPONDENT/S

Mr.PM Gaikwad,Advocate for Applicant

CORAM : SMT.VIBHA KANKANWADI,J.

RESERVED ON : 27/07/2021

PRONOUNCED ON : 05/08/2021

PER COURT :-

1. Present application has been filed for condoning delay of 606 days for setting aside order of refusal of registration dated 11.7.2018 passed by learned Registrar (Judicial).

2. Heard learned Advocate for the applicant. Since when the original order was passed, the respondents were not even summoned, it is not necessary that they should be called now before the

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delay is condoned. It can be seen that the present applicant had filed the Second Appeal, challenging the judgment and decree passed in Regular Civil Suit No.110/2004 by learned Civil Judge, Junior Division, Bhokardan, District Jalna, which was confirmed by the learned Adhoc District Judge-3, Jalna in Regular Civil Appeal No.71/2012 on 24.8.2017. There were certain office objections which were not removed by the present applicant within the time prescribed by the learned Registrar (Judicial) and, therefore, the registration was refused. The applicant says that she is a widow and could not come to know about the office objections. She is now ready to remove those office objections. Due to lockdown also she could not in the meantime remove the office objections.

3. It is required to be mentioned that after the proceedings are filed by the Advocate for the applicant/appellant, those proceedings are checked/verified by the Registry. If there are certain short-falls, office objections are raised and mainly they are to be complied with by the Advocate representing such appellant. The parties would be

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from remote area and, therefore, they may not be even knowing what office objections are raised. In fact, now computer generated system has come up and even the office objections are informed to the concerned Advocates on mobile. However, in this case, it appears that the negligence of learned Advocate for the applicant that he had not removed those office objections and did not even communicate about refusal of the registration to his client. But, for his negligence, the applicant shall not suffer and, therefore, the application deserves to be allowed and it is accordingly allowed, however, subject to cost of Rs.1,000/- to the High Court Legal Services Sub-Committee, Aurangabad, to be deposited today itself. The costs of Rs.1,000/- is duly deposited on 27.7.2021.

4. The applicant to remove the office objections within a period of four weeks from today. In case of failure, it shall be treated that the registration is refused.

(SMT. VIBHA KANKANWADI)
JUDGE

BDV