

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3556 OF 2020

IN

R.C. NO. 2168 OF 2019

SECOND APPEAL (ST.) NO. 10122 OF 2018

Vithal Pandurang Mane ... Applicant/Appellant

V/s.

Ramchandra Pandurang Mane
(Since deceased) Through LR's.

Mahadev Ramchandra Mane & Ors. ... Respondents

Mr. Shekhar Jagtap a/w. Sairuchita Chowdhary, Ninad Naik, Rhea Francis and Akash Pandey i/b. J. Shekhar & Co. for Applicant/Appellant.

CORAM : A.S. GADKARI, J.

DATE : 20th October 2021.

PC. :

1. This is an application for restoration of Second Appeal (St.) No. 10122 of 2018, which was dismissed for non removal of office objections within stipulated period in pursuance of Order dated 17th October 2018 passed by the Registrar (Judicial-II).

There is a delay of 444 days in filing the present Application.

2. Perusal of Application would indicate that, sufficient cause is made out for restoration of Second Appeal. However, in view of inordinate delay and in the interest of justice, the Applicant is directed to pay a cost of

Rs.5,000/- to the High Court Legal Services Committee, Mumbai within a period of two weeks from today.

The Applicant/Appellant to pay/deposit the cost in the account namely "High Court Legal Aid Fund", Account No. 60045304283, IFSC-MAHB0000002 of the Bank of Maharashtra, Branch-Fort, Mumbai-400032, maintained by the High Court Legal Services Committee, Mumbai, Room No. 105, 1st Floor, PWD Building, High Court, Mumbai and to furnish the details of such cost to the High Court Legal Services Committee, Mumbai and obtain the receipt thereof physically or through Email i.e. hclsc.mumbai@gmail.com which shall be the proof of such payment/deposit.

3. It is made clear that, payment of cost is condition precedent for condonation of delay. The cost to be paid within a period of two weeks from today.

4. Subject to payment of cost, delay is condoned and Application is allowed in terms of prayer Clauses (b) and (c).

5. Appellant is directed to remove office objections, if not removed till date, within a period of three weeks from the date of payment of cost.

6. Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]