

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****I.A. NO. 2776 OF 2021****IN****REJECTED CASE NO. 1015 OF 2019**

Shri. Shahu Chhatrapati Shikshan
Sanstha, Kolhapur & Ors.

.....Applicants/
Appellants.

Vs.

Dr. Shri. Rohit Jayantilal Sheth

.....Respondent.

Mr. Ashish Satpute for the Applicants.
None for the Respondent.

CORAM : A. S. GADKARI, J.

DATE : 7th OCTOBER, 2021.

P.C.:-

This is an Application for setting aside conditional Order dated 27th June, 2018, passed by the learned Registrar (Judicial-II) thereby, directing the Appellants to remove office objections within a period of four weeks, failing which the Second Appeal (Stamp) No.29764 of 2017 shall stand refused for registration along with Civil Application filed therein, without reference to this Court. Admittedly, the Applicants/Appellants failed to remove the said objections within stipulated period from 27th June, 2018.

2 There is a delay of 2 years and 274 days in filing the present Application.

3 It is to be noted here that, even on 27th June, 2018 none appeared before the learned Registrar (Judicial-II). Despite the fact that, an opportunity to remove the office objections was given to the Appellants, the office objections were not removed by the Appellants.

4 May that as it may. Perusal of Application would indicate that, sufficient cause is made out for restoration of Second Appeal and setting aside Order dated 27th June, 2018. However, taking into consideration the inordinate delay, it will be appropriate that, the Applicants/Appellants be directed to pay costs of Rs.7,500/- to the High Court Legal Services Committee, Mumbai within a period of two weeks from today.

The Applicants/Appellants to pay/deposit the costs 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 costs 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.

5 Subject to deposit of the aforestated costs, delay is condoned and the Application is allowed in terms of prayer clauses (a) and (b).

Applicants are directed to remove office objections within a period of 4 weeks, from the date of payment of costs to the concerned Authority.

It is made clear that, if the Applicants/Appellants fail to deposit the aforesaid costs within the stipulated period, the present Application shall stand dismissed without further reference to this Court.

(A.S. GADKARI, J.)