

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1591 OF 2019

IN

REJECTED CASE NO. 1249 OF 2019

(SECOND APPEAL (ST.) NO. 26529 OF 2018)

Rajaram Baloba Hingane
Since deceased through LRs.

... Applicants/Appellants

V/s.

Yamunabai Rajaram Hingane

... Respondent

Mr. Digvijay Patil i/b. Mr. Rahul S. Kate for Applicants.

CORAM : A.S. GADKARI, J.

DATE : 8th DECEMBER, 2021.

PC. :

1. This is an application for restoration of Second Appeal (St.) No.26529 of 2018 and Civil Application (St.) No.27162 of 2018, which were dismissed for non-compliance of a conditional Order dated 17th January 2019 passed by the Registrar (Judicial-II).

By the said conditional Order, the Applicants/Appellants were directed to remove office objections within a period of four weeks from today. It is an admitted fact on record that, the Appellants have failed to remove office objections within the stipulated period.

2. It is stated in the application that, due to inadvertence the office objections were not removed within time granted by the Registrar (Judicial-II).

There is delay of 93 days in filing the present application.

3. Perusal of application would indicate that, no explanation for condonation of delay of 93 days is offered by the Applicants/Appellants.

However, taking into consideration the delay caused for filing the present application and in the interest of justice, I am inclined to condone the delay and restore the Second Appeal along with Civil Application, subject to condition that, the Applicants/Appellants shall pay a cost of Rs.3,000/- (Rs.Three Thousand Only) to the High Court Legal Services Committee, Mumbai having its 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. The cost be deposited within a period of four weeks from today.

4. Subject to payment of costs to the concerned Authority, the application is allowed in terms of prayer clauses (b) and (c).

5. Applicants/Appellants are directed to remove office objections within a period of four weeks from the date of payment of cost, failing which Second Appeal along with Civil Application shall stand dismissed without further reference to the Court.

6. Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]

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