

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Civil Application (O) No.1054/2019 in MCA St. No.10685/2018 in First Appeal
st No. 25525/2017 (RC No.274/2018)

(Surajnarayan Jaiswal thr Lrs and others V The State of Maharashtra and others)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri S.U. Nemade, Adv for appellants.

Shri S.S. Godbole, Adv h/f Shri S.G. Jagtap, Adv for resp. nos. 3 and 4.

CORAM : SMT. ANUJA PRABHUDESSAI, J

DATE : 13-01-2021.

By these applications, the applicants have sought to condone the delay of 11 days and to restore the appeal, which was rejected for non removal of the office objections.

2. Learned Counsel for the respondents objects to the applications on the ground that no sufficient cause has been made out. He submits that the appeal was dismissed in the year 2018 and that the applicants had not taken steps for a period of over two years. He, therefore, contends that the applicants are not liable for any interest during the delayed period i.e from the date of dismissal of the appeal till the date of this order.

3. Learned Counsel for the applicants has made a statement that the office objections shall be removed within a period of two weeks. In the light of the said statement and in view of the reasons stated in paragraph 3 of the application, which in my considered view constitute sufficient ground for condonation of delay, the delay is condoned and the appeal is ordered to be registered on removing office objections within two weeks.

4. It is seen that the appeal was filed within the period of limitation. Certain objections were raised by the office, which were to be removed by 17-04-2018. Failure to remove these objections resulted in dismissal of the appeal. The application for restoration has been filed on 05-05-2018, with delay of 11 days, which cannot be considered to be inordinate. The applicants cannot be held solely responsible for pendency of the applications from 2018 as to deprive them of the interest from April, 2018 till this date. Hence, the contention of the respondents that the applicants are not entitled for interest for the delayed period from the year 2018 till the date of the order has no merit.

5. Under the circumstances, the applications stand disposed of in above terms.

(SMT. ANUJA PRABHUDESSAI, J)