

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.2775 OF 2021
IN SA/607/2019**

**GANGADHAR PRABHAKAR INGALE AND OTHERS
VERSUS
RAOSAHEB HARIBHAU CHAVAN AND OTHERS**

...
Advocate for Applicants : Mr. Sanjay D. Kotkar
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CORAM : BHARAT P. DESHPANDE, J.

DATED : 19th AUGUST 2022

PER COURT :

This is an application for condonation of delay of 9 days and restoration of Second Appeal No. 607 of 2019, which was dismissed vide order dated 05-02-2020 for non removal of office objections.

2. Vide order dated 21-03-2022, notices were issued to respondents. Respondent Nos.1, 2 and 4 are duly served. Respondent No.3 has expired and it was stated that appellants are the legal heirs of respondent no.3 and there is no need to bring on record any other legal heirs.

3. In spite of service of notice on respondent Nos.1, 2 and 4, no one appeared and contested the present application.

4. Heard learned counsel for applicants.

5. Learned counsel for applicants submits that Second Appeal was listed for admission, however, some office objections remained to be removed. There was no deliberate attempt on the part of the applicant, however the matter was dismissed for want of removal of office objections. He submits that applicant is ready and willing to remove office objections within two weeks, if the Second appeal is restored.

6. Considering the reasons disclosed in the application and in order to give one opportunity to the applicants to argue the matter on merit, application needs to be allowed. Hence the order :

ORDER

- (i) The application stands allowed.
- (ii) The delay in filing application for restoration is condoned.
- (iii) The application for restoration is allowed.
- (iv) Order dated 05-02-2020 is set aside and the Second Appeal No. 607 of 2019 is restored, subject to applicant removing office objections within a period of two weeks from today.
- (v) If the office objections are removed, the Second Appeal be restored and place for admission on 21-09-2022.

(BHARAT P. DESHPANDE, J.)