

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 CIVIL APPLICATION NO.6792 OF 2022
IN RC/1365/2015

ASHIWANT ZEPA KAMBLE AND OTHERS
VERSUS
MAHADEO ZEPA KAMBLE AND ANR

.....
Advocate for Applicants : Mr. Gaikawad Pandurang M.
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CORAM : BHARAT P. DESHPANDE, J.
DATED : 20th AUGUST 2022

PER COURT:-

1. This is an application for condonation of delay and restoration of second appeal St. No. 24169 of 2015 alongwith the civil applications, registration of which was refused by the Registrar (Judicial) for want of removal of office objections, vide order dated 28.10.2015.
2. Heard.
3. Even though notices were issued to the respondents and they were duly served, no one appears and contested the present application.
4. Learned counsel for the applicants submits that after filing of second appeal, there were talks of settlement between the parties and the respondents expressed that they are not going to execute

the decree against which second appeal was filed. Therefore, the applicants did not pursue the present second appeal. However, during the lock down period, the respondents suddenly filed execution proceedings in order to implement the decree passed by the courts below. The averments made in the present application are supported by the affidavit of concerned party and though the respondents are duly served, they fail to appear and contest the matter.

5. Considering the averments made in para 5 and 6 of the present application, an opportunity is required to be given to the applicants to remove office objections subject to payment of costs of Rs.10,000/- (Rupees Ten thousand only) to the Library, Advocates' Association of Bombay High Court, Bench at Aurangabad, within a period of four weeks from today. Hence, the following order:-

O R D E R

- I. The civil application stands allowed.
- II. The delay in filing restoration is condoned.
- III. The second appeal St. No. 24169 of 2015 alongwith civil application St. Nos. 24170 of 2015 and 24171 of 2015 are restored subject to deposit of costs amount of Rs.10,000/-

(Rupees Ten thousand only) within a period of four weeks from today to the Library, Advocates' Association of Bombay High Court, Bench at Aurangabad,

- IV. On restoration of above matters, the applicants shall remove office objections within a period of two weeks thereafter.
- V. If the costs amount is paid and objections are removed within the above period, the matter be placed for orders. Failing to pay the costs and remove office objections, the order passed today shall be recalled without reference to the Court.
- VI. Civil application stands disposed of.

(BHARAT P. DESHPANDE, J.)

rlj/