

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

**14 CIVIL APPLICATION NO.12070 OF 2021
IN SA/54/2019**

**SAMBHAJI GANGARAM KADAM AND OTHERS
VERSUS
CHANDRABAI GOPALRAO KADAM**

...

Advocate for Applicants : Mr. Gaikwad Anil M.

**CORAM : MANGESH S. PATIL, J.
DATE : 14.02.2022.**

PER COURT :

I have seen the report of the bailiff. The lower court has duly certified about service having been effected by pasting a copy of the notice on the house of the respondent and even the villagers have stated and identified her house. The service is complete.

2. This is an application for restoration of the second appeal with a prayer to condone the delay in filing the application.

3. The second appeal was dismissed in default pursuant to the order dated 15.01.2019 as no steps were taken to remove the office objections.

4. The learned advocate Mr. Gaikwad points out that the second appeal was dismissed because the learned advocate who was representing the appellant had not attended the matter on couple of dates. Even the appellant was not informed about its dismissal.

5. The dispute pertains to right to an immovable property. For the reasons mentioned in the application, the application is allowed. The delay is condoned and the second appeal is restored subject to the condition that now the office objection shall be removed within three weeks, failing which

this order shall stand recalled automatically without reference to the Court.

(MANGESH S. PATIL, J.)

mkd/-