

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

**CIVIL APPLICATION NO.4531 OF 2022
IN SAST/33891/2019**

**VISHNU WAMAN GARJE AND OTHERS
VERSUS
NILABAI DEVIDAS GARJE AND ANOTHER**

...

Advocate for Applicants : Mr. Sharad S. Shinde

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**CORAM : BHARAT P. DESHPANDE, J.
DATED : 11th AUGUST 2022**

PER COURT :

Heard.

2. Learned counsel appearing for applicant submits that Second Appeal (St.) No. 33891 of 2019 was filed challenging the impugned orders passed by the courts below. However, Registry has raised objections pointing out that there is typographical error in certified copy of lower court in connection with name of respondent.

3. Accordingly learned Registrar (Judicial) vide order dated 1st September 2021 granted four weeks time with a condition that objection needs to be removed within such period, failing which registration shall be refused.

4. Learned counsel further submits that application for correction of the name in R.C.S. No. 326 of 2005 was filed and the corrected certified copy was received only on 27th September 2021. Due to this delay he was unable to

remove office objections within the specified time and accordingly registration of Second Appeal was rejected.

5. Learned counsel for applicants submits that there is no deliberate attempt on the part of the applicants to submit corrected copy beyond that time granted. Due to the circumstances prevailing at the relevant time and the fact that corrected certified copy was furnished by the trial court, he was unable to remove office objections within the stipulated time. He, therefore, prays that order passed by the Registrar (Judicial) be quashed and set aside.

6. Applicant be permitted to remove office objections and thereafter the appeal be registered.

7. On perusal of application supported by affidavit of the concerned learned advocate and the fact that time was consumed for obtaining corrected certified copy from the trial court, applicants are entitled to argue the matter on merit. Therefore, impugned order of refusal for registration needs to be quashed and set aside. Hence the order :-

ORDER

- (I) Application stands allowed as per prayer clause (A).
- (II) Office objection, if any, shall be removed within a period of two weeks from today. Thereafter office to register the Second Appeal.
- (III) Application stands disposed of.

(BHARAT P. DESHPANDE, J.)