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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 35 OF 2021
IN
REJECTED CASE NO. 420 OF 2004**

Akil Tayyab Momin

.....Applicant

V/s.

The Divisional Controller, The Mah. State Road
Transport Ltd and another

.....Respondents

Mr. N. J. Patil Advocate for the Petitioner.

**CORAM : GAURI GODSE, J.
DATE : 12th September 2022**

P.C.

1. Heard.

2. This Application is filed for setting aside the Order dated 11th February 2003, passed by the Registrar (Judicial-II) and for restoration of the First Appeal. By an Order dated 11th February 2003, conditional time was granted to remove office objections. Same were not removed. Hence, Appeal was dismissed and numbered as Rejected Case No. 420 of 2004. Office remark shows that papers of First Appeal are destroyed.

3. Today, only a copy of Application and Farad is placed before me. Learned Advocate appearing for the Applicant states that he shall furnish copies of entire First Appeal record and also furnish fresh certified copies of impugned Judgment and Decree.

4. Considering the reasons given in the Application, following order is passed;

(i) Application is allowed in terms of prayer clause (a), (b) and (b) (i) which read as under;

“(a) This Hon’ble Court be pleased to set aside the conditional order dated 11th February, 2003 and the First Appeal may be restored to file and be heard on merits;

(b) filing of affidavit may kindly be dispensed with;

(b)(i) Delay of 340 days kindly be condoned.”

i) Applicant to furnish copies of First Appeal and furnish fresh certified copy of impugned Judgment and Decree within a period of eight weeks from today.

ii) On filing of the copy of the First Appeal record and fresh certified copies of the impugned Judgment and Decree, Registry to verify the same and

reconstruct the record of the First Appeal.

iii) Applicant shall thereafter remove all office objections.

5. Application shall stand allowed in the above terms.

[GAURI GODSE, J.]