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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3223 OF 2020

IN

REJECTED CASE NO. 2029 OF 2018

Mr. Sanjay Shivling Patil

.....Applicant

V/s.

Mr. Prashant Vasant Savalwade and others

.....Respondents

Mr. Tejpal S. Ingale Advocate for the Applicant.

CORAM : GAURI GODSE, J.

DATE : 12th September 2022

P.C.

1. Heard.
2. This Application is filed for setting aside the Order dated 25th October 2018, passed by the Registrar (Judicial-II) and for restoration of the First Appeal. By Order dated 25th October 2018, conditional time was granted to remove office objections. Same were not removed. Hence, Appeal was dismissed and numbered as Rejected Case No. 2029 of 2018. 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 Order.

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

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

“(a) The conditional order dated 25.10.2018 passed by Ld. Registrar Judicial (II) in the above said First Appeal (St) No. 17818/2018 be set aside and the First Appeal be restored to file and heard on merits.

(b) The delay in filing this Civil Application be kindly condoned.”

(ii) Applicant is directed to furnish copies of First Appeal record and file fresh certified copy of impugned Judgment and Decree within a period of eight weeks from today.

(iii) 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.

(iv) Applicant shall thereafter remove all office objections.

5. Application stands allowed in the above terms.

[GAURI GODSE, J.]