

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.2636 OF 2022
IN
SECOND APPEAL (ST) NO.4410 OF 2020

Yashwant Vasudeo Deshpande (since .. Applicants
deceased through LRs) Anjali
Yashwant Deshpande & Ors.

Versus

Bhagavanrao Yashwantrao Kakade .. Respondents
& Ors.

...

Mr.Yogesh Patil for the Applicants/Appellants.
Mr.Prabhakar Jadhav for the Respondents.

...

CORAM: BHARATI DANGRE, J.
DATED : 22nd APRIL, 2022

P.C:-

1. By the present application, the applicants seek restoration of the appeal, which was refused registration by the Registrar (Judl.II) on 06/10/2021, on failure to remove the office objections. The appeal is sought to be restored by condoning the delay of 160 days in bringing the application.

2. Heard the learned counsel for the applicants and perused the application. Paragraphs 5 and 6 of the

application, proceed to urge that the Advocate did not notice the conditional order and, therefore, the objections could not be removed. It is a trite position of law that the party should not be made to suffer on account of the mistake committed by his Advocate.

3. By condoning the delay, application is allowed in terms of prayer clause (b) and (c).

The Second Appeal shall be conferred registration. However, it is for the applicants/appellants to take necessary steps to remove the office objections within a period of four weeks from today.

(SMT. BHARATI DANGRE, J.)