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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.10199 OF 2022
IN
FIRST APPEAL (ST.) NO.3746 OF 2020

Kiran Sarjerav Darade & Anr.

...Applicants /
Appellants

Versus

Madhavi Sharad Mahajan & Ors.

...Respondents

Mr. Jayant J. Bardeskar for the Applicants / Appellants.

CORAM : R.I. CHAGLA J.

DATE : 13TH DECEMBER, 2022.

ORDER :

1. By this Interim Application, the Applicants are seeking condonation of delay of 98 days in filing the Interim Application and for restoration of the First Appeal (St.) No.3746 of 2020 and Interim Application 2572 of 2020 on file by recalling of the conditional order dated 15th February, 2022.

2. The Applicants state that the status of objections when checked online on the official website showed that the office objections which were pending had been removed on 8th March, 2020. The Applicants were under an impression that the office

objections were removed and there were no further objections pending in the First Appeal. It is only in the last week of May, 2022 during the summer vacation that the Applicants upon inquiry came to know that the First Appeal had been listed before the Registrar (Judicial II) on 15th February, 2022 and by conditional order passed on that date, three weeks time has been granted for removal of office objections, failing which registration of First Appeal shall stand refused without further reference to the Court.

3. The Applicants further state that upon their learning in last week of May, 2022 of the refusal of registration of the First Appeal, there has been a delay in filing the Interim Application. Accordingly, present Application has been filed.

4. Having considered the averments in the Interim Application as well as noting that the Applicants / Appellants had learnt of the rejection of the First Appeal only in May, 2022 and prior to that date they were under the impression that the office objections had been removed and there were no no further objections pending in First Appeal, a case is made out for grant of relief sought for in the Interim Application. Further benefit of doubt is given to the Applicants / Appellants that they were not aware of the conditional

order dated 15th February, 2022 when passed. Hence the following order:-

(i) The delay of 98 days in filing the present Interim Application for restoration of First Appeal and Interim Application is condoned.

(ii) The First Appeal (St.) No.3746 of 2020 and Interim Application No.2572 of 2020 are restored to file by recalling of the conditional order dated 15th February, 2022 passed by the Registrar (Judicial II).

(iii) The Applicants / Appellants are granted three weeks time, to comply with further office objections, if any, raised on the First Appeal, failing which the First Appeal shall stand rejected without further reference to the Court.

(iv) The Interim Application is accordingly disposed of.

[R.I. CHAGLA J.]