

Dusane

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.16758 OF 2022
IN
SECOND APPEAL (St.) NO.9525 OF 2019**

Smt. Akkatai Shankar Warke & Anr. ...Applicants

V/s.

Bapu Dashrath Chougale & Ors. ...Respondents

Ms. Devashri Karandikar i/by Saurabh M. Railkar for
Applicants/Appellants.

**CORAM: MADHAV J. JAMDAR, J.
DATE: 19th JANUARY, 2023**

P.C.:

1. By order dated 16th December 2022, this Court has allowed the Interim Application No.16758 of 2022 in Rejected Case No. 2239 of 2019 in terms of prayer clauses (a) and (b). Therefore, the Second Appeal was restored to file with further direction to remove office objections within a period of eight weeks from 16th December 2022. However, thereafter it transpired that the papers of the Second Appeal bearing Second Appeal (Stamp) NO. 9525 of 2019 were destroyed.

2. By order dated 23rd July, 2019 of the learned Registrar (Judicial-II), the Second Appeal (Stamp) No. 9525 of 2019 was dismissed by conditional order of removal of office objections within a period of four weeks. It appears that as per Rule 3A of Chapter XV, the papers of the Second Appeal were destroyed.

3. As by above-referred order dated 16th December 2022, the Second Appeal is restored, the Applicants are granted three weeks time from today to reconstruct the record of Second Appeal (Stamp) No. 9525 of 2019 and thereafter further time of twelve weeks for removal of office objections. Order dated 16th December, 2022 is modified accordingly.

(MADHAV J. JAMDAR, J.)