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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.1850 OF 2022
IN
REJECTED CASE NO.1187 OF 2019
SECOND APPEAL (ST) NO.3693 OF 2018

Vikrant Shivrai Salaskar .. Applicant

Versus

Kulwantsinha Gurditsinha Vilkhur .. Respondent

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Ms.Sejal A. Hariyan i/b Mr.Padmanabh D. Pise for the
Applicant/Appellant

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CORAM: BHARATI DANGRE, J.
DATED : 29th MARCH, 2022

P.C:-

1. Interim Application No.1850 of 2022 seeks restoration of the Second Appeal which was refused registration, since the office objections were not removed in terms of the order passed by the Registrar (Judicial II) on 26/09/2018.

2. Heard the learned counsel for the applicant and perused the application. The application proceeds to state that after the order was passed on 26/09/2018 directing the removal of

the office objections within a period of four weeks, the clerk of the concerned Advocate failed to remove the office objections. Under the *bona fide* impression that the appeal deserves to be circulated for hearing, after the pandemic has come to an end, the Advocate gained knowledge that it was dismissed long back in the year 2018 on account of non-removal of the office objections.

Though the application states that the intermittent event of pandemic is responsible for the delay, the said explanation cannot be accepted, since the appeal came to be dismissed on 26/09/2018 and the pandemic was set in from March, 2020. Therefore, this period cannot be condoned though the applicant is entitled for some concession as regards the period of limitation, commencing from 15/03/2020.

It being the trite position of law that the parties cannot be made to suffer on account of lapses on part of their counsel, the appeal deserves its restoration, subject to payment of costs of Rs.10,000/- by the concerned Advocate to Kirtikar Law Library. It is made clear that the costs shall be paid by the Advocate and it shall not be recovered from the party.

Subject to the deposit of costs within a period of four weeks, the appeal shall stand restored and the necessary objections shall be removed within a period of four weeks.

3. The application stands disposed off in the aforesaid terms.

(SMT. BHARATI DANGRE, J.)