

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1653 OF 2019
IN
REJECTED CASE NO.2302 OF 2019

Balu Popat Deore & Ors.] ... Applicants

Vs.

Vitthal Karbhari Deore & Ors.] ... Respondents

...

Mr. Ashwin Pimpale with Mr. Manish Nikose h/f Mr. R.N. Gite for the applicants.

Mr. Vivek Joshi i/b Mr. J.D. Khairnar for respondent Nos.1 and 2.

...

CORAM : SMT. BHARATI DANGRE, J.

DATED : 17TH MARCH, 2022.

P.C. :-

1. Heard the learned counsel for the applicant and the learned counsel for respondent Nos.1 and 2.
2. By the present application, the applicants seek restoration of

Second Appeal (St.) No.18177 of 2018, which was dismissed by the learned Registrar (J) on 11/12/2018, for non removal of the office objection.

3. The applicants state that the clerk of the advocate did not notice the conditional order and, resultantly, the office objection could not be removed within time, which resulted in dismissal of the appeal itself. In bringing the application for restoration, there is a delay of 38 days.

4. Heard learned counsel for the applicants. He states that the applicants have a good case on merits and, therefore, the appeal deserves to be restored.

5. I am satisfied with the reasoning given in the application and, as a consequence, civil application is allowed in terms of prayer clauses (a) and (b).

6. Second Appeal (St.) No.18177 of 2018 is restored to its original file.

[SMT. BHARATI DANGRE, J.]