

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.3360 OF 2021
IN
REJECTED CASE NO.1159 OF 2019

Ram Ashraya Nishad] ... Applicant

Vs.

Jitendra Ram Daman Singh & Ors.] ... Respondents

...

Mr. Gautam Kanchanpurkar for the applicant.

Mr. Santosh Parad for respondent No.5-MCGM.

...

CORAM : SMT. BHARATI DANGRE, J.

DATED : 17TH MARCH, 2022.

P.C. :-

1. By the present application, the first appeal which was dismissed, in the wake of non-removal of the office objection is sought to be restored.

2. On 23/04/2019, this court directed removal of the office

objection on or before 15/06/2019, failing to do so, was directed to be construed as dismissal of the appeal without reference to the court.

3. Admittedly, the objections were not removed within the time stipulated and resultantly the appeal came to be dismissed. There is a delay of 2 years and 175 days in preferring the present application and, the reasons for the delay are sought to be explained in paragraph Nos.4 and 5 of the application.

4. Taking note of the reasons, which appear to be *bona fide* and particularly, in the wake of the ground cited in the application that the learned counsel, who was entrusted with the appeal, expired during lockdown and resultantly, no contact could be established and the appellants were not aware of the progress of the matter, I deem it expedient to condone the delay and recall the order, dismissing the appeal. The appeal is directed to be restored to its file, subject to the stipulation that all objections shall be removed within two weeks from today.

5. Interim application is allowed in terms of prayer clauses (a), (b) and (c).

[SMT. BHARATI DANGRE, J.]