

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

**INTERIM APPLICATION NO.2111 OF 2022
IN
RC NO. 147 of 2020**

Raju Sitaram Landge .. Applicant
Versus
Ashok Khanderao Sorte and ors .. Respondents

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Mr. Parag V. Dube for the applicant.

**CORAM: BHARATI DANGRE, J.
DATED : 4th APRIL, 2022**

P.C:-

1 By the present Application, the applicant/appellant seek restoration of the Appeal which was refused registration in the wake of the order passed by the Registrar, Judicial-II on 20/1/2020, which granted four weeks time to remove the office objections. Failure to remove the office objections resulted in refusal of registration.

2 Heard learned counsel for the applicant and perused the application.

3 The Application proceed to state that the Advocate was unaware that the matter appeared on board of the Registrar and a conditional order was passed. As a consequence, objections were not removed within the stipulated time and registration was refused.

4 The oversight on the part of the Advocate is cited as a

reason for dismissal of the proceedings and in the wake of the lock-down, his application could not be tried for restoration within the prescribed period of limitation, but came to be filed belatedly after 613 days.

5 On hearing the learned counsel for the applicant, I am convinced to condone the delay in filing the application, which is bonafide and the Appeal deserve to be restored by setting aside the order refusing it's registration. This is however, subject to two stipulations; one being the office objection is notified on 20/1/2022 shall be removed by the applicant within a period of four weeks, and secondly, the restoration is granted subject to the learned Advocate for the applicant depositing costs of Rs.10,000/- with the Kirtikar Law Library. Since the Advocate has admitted that it is on account of his fault the Appeal was dismissed.

6 It is made clear that the costs shall be paid personally by the counsel and not liable to be paid by the appellant.

7 Subject to the aforesaid stipulation, the Appeal is restored to it's file.

8 On the aforesaid compliance being done, i.e. payment of costs of Rs.10,000/- and removal of office objection within a period of four weeks, the Application stands disposed off.

Liberty to circulate the Appeal after summer vacation.

(SMT. BHARATI DANGRE, J.)