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

**CIVIL APPLICATION NO. 434 OF 2020
IN
REJECTED CASE NO. 826 OF 2004**

Maharashtra State Road Transport

.....Applicant

V/s.

Smt Sunita Anil Jadhav and Ors

.....Respondents

Ms P. M. Bhansali a/w D. Jain Advocate for Applicant.

CORAM : GAURI GODSE, J.

DATE : 12th September, 2022.

P.C.

1. This Application is filed for condonation of delay and for setting aside the order dated 18th October 2001 passed by Registrar (Judicial – II). By the said order, conditional time was granted to remove office objections. Office objections were not removed within time. Hence, First Appeal stood dismissed and numbered as Rejected Case No. 826 of 2004. Office remark shows that papers of First appeal are destroyed by the record department in

the year 2012.

2. Learned Advocate for the Applicant states that she will remove office objections within period of 6 weeks from today and shall also submit copies of First Appeal on record as well as fresh certified copies of the impugned Judgment and Order.

3. Considering the grounds made out in the Application,

(i) Application is allowed in terms of prayer clause (a) and (b) which read as under;

“(a) That delay in filing present Civil Application be condoned.

(b) That order dt. 18-10-2001 passed by Learned Additional Registrar be recalled and the First Appeal St. No. 5546 of 2001 and Civil Application St. No 5703 of 2001 be restored to file and matter be listed for admission.”

(ii) Applicant shall deposit entire compensation amount as per the impugned Judgment and Order passed by MACT, Kolhapur in MAC No. 141 of 1992 within period of 8 weeks from today, if not yet deposited, and file compliance affidavit within period of 2 weeks thereafter.

(iii) Applicant shall submit copy of entire First Appeal on record along with fresh certified copies of the impugned Judgment and Order

within period of 8 weeks from today.

(iv) On furnishing copies of the entire First Appeal as well as certified copies of impugned Judgment and Order, Registry shall verify the same and reconstruct the record of First Appeal.

(v) On reconstruction of First Appeal record, Applicant shall remove office objections within a period of 4 weeks.

4. Application is allowed in the above terms.

[GAURI GODSE, J.]