

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAO) NO. 759 OF 2021
IN
MISC. CIVIL APPLICATION (St.) NO. 3899 OF 2021
IN
SECOND APPEAL (St.) NO. 16975 OF 2019

Mahadeo Baliramji Deshmukh (dead) thr. LRs Smt. Indubai Wd/o. Mahadeorao Deshmukh and ors.

...VERSUS...

Kishor S/o. Ram Lambat and ors.

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri N.M. Kolhe, Advocate h/f. Shri M.V. Amle, Advocate for appellants.
Ms. Kashmira K. Lambat, Advocate for respondent nos. 1, 2 & 3(A).
Shri Abhay Bhide, Advocate for respondent nos. 5 & 6.

CORAM : SMT. M. S. JAWALKAR,J.

DATE : 12th JULY, 2022.

The present application is filed for condonation of delay in filing Misc. Civil Application for setting aside order dated 06/02/2020 and to restore Second Appeal (Stamp) No. 16975 of 2019.

2. By order dated 06/02/2020, the learned Judicial Registrar dismissed Second Appeal (St.) No.16975 of 2019 for non-removal of office objection. The learned counsel for the appellants submits that it was due to inadvertent mistake, the matter went unattended. After order of dismissal came to be passed by

learned Judicial Registrar on 06/02/2020, within 10 to 15 days, there was lockdown, therefore, he could not file the application for restoration of Second Appeal (Stamp) No. 16975 of 2019.

3. The learned counsel for the respondents vehemently opposed the application.

4. I have heard the learned counsel appearing for both the parties and gone through the contents of application. In my considered opinion, there is no intentional or deliberate delay in filing the application for restoration of Second Appeal (Stamp). Accordingly, the application is allowed.

5. The delay in filing the application for restoration of Second Appeal (Stamp) No. 16975 of 2019 is hereby condoned.

6. However, inconvenience caused to the respondents cannot be overlooked and that can be taken care of by imposing the appropriate costs in the matter. Therefore, costs of Rs. 500/- be paid to each of the respondents by the appellants within four weeks.

7. The application is disposed of accordingly.

MISC. CIVIL APPLICATION (St.) NO. 3899 OF 2021

The present application is filed for setting aside the order dated 06/02/2020 passed in Second Appeal (Stamp) No. 16975/2019 and to restore the Second Appeal (Stamp).

2. For the reasons stated in the application, the application is allowed.

3. The order dated 06/02/2020 passed by the learned Judicial Registrar in Second Appeal (Stamp) No. 16975 of 2019 is hereby quashed and set aside.
4. The Registry is directed to restore the Second Appeal (Stamp) No. 16975/2019.
5. The appellants to remove office objection within two weeks.
6. The application is disposed of accordingly.

(Smt. M.S. Jawalkar, J.)

B.T.Khapekar