

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAO) NO.371/2021
IN
MISC. CIVIL APPLICATION ST. NO.19698/2019
IN
SECOND APPEAL NO.250/2015

Smt. Chandrabhabha Narendra Boke and others

Vs.

Dilip Pandurang Kadu and others

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

Court's or Judge's orders

Shri P.A. Markandewar, Advocate for appellants

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 16/11/2022

The present application is filed for condonation of delay in filing application for setting aside rejection order dated 02/01/2020 in M.C.A. St. No.19698/2019 in Second Appeal No.250/2015.

2. For the medical reasons given in paragraph No.7, I am satisfied that there is no intentional or deliberate delay. As such, delay is hereby condoned.

The application is disposed of.

CIVIL APPLICATION (CAS) NO.5208/2020

The present application is filed for setting aside the rejection order dated 02/01/2020 in M.C.A. St. No.19698/2019, by which, Second Appeal No.250/2015 came to be dismissed due to non filing of private paper book under Order 41, Rule 19 of the Civil Procedure Code.

2. It appears that M.C.A. St. No.19698/2019 was filed for restoration of Second Appeal. The said application was listed before the Registrar (Judicial) for removal of office objection and three weeks' time was granted. Lastly, the M.C.A. came to be rejected vide its order dated 02/01/2020.

3. For the medical reasons, learned Counsel for appellants could not attend the matter and remove the office objections. As there was medical ground for non compliance, I am inclined to allow the application for rejection. The order dated 07/08/2018 in M.C.A. St. No.19698/2019 passed by the Registrar (Judicial) is hereby set aside.

4. The Registry is directed to restore M.C.A. St. No.19698/2019 on its original number.

5. The application stands disposed of accordingly.

JUDGE

R.S. Sahare