

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

CIVIL APPLICATION [CAO] NO.612 OF 2022
IN
MISC. CIVIL APPLICATION ST. NO.8831 OF 2022
IN
REJ. SECOND APPEAL ST. NO.8047 OF 2021

[Nanibai wd/o Moti Patokar (Dead) and others .vs. Maidabai Ashraf Patokar (Dead) 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. S. Patil, Advocate for Applicants.

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CORAM : SMT. M.S. JAWALKAR, J.
DATE : 26/08/2022.

Present application is filed by the applicants for condonation of delay in filing restoration application. There is delay of 99 days. The registration of Second Appeal was refused by the Registrar (Judicial) vide order dated 9.12.2021. The office objections were not removed within time. The reason put-forth by the applicants is that due to pandemic of Covid-19, there was no regular functioning of the court nor advocates were regularly attending the court physically. When enquiry was done, it was revealed that the registration of the appeal was already refused by order dated 9.12.2021.

For the reasons stated in the application, I am satisfied that there is no intentional or deliberate delay in filing application for restoration. Application is

allowed. Delay is hereby condoned. Office is directed to register the Misc. Civil Application.

Misc. Civil Application St. No.8831/2022

Present application is filed by the applicants for restoration of appeal. The reasons put-forth are the same reasons for condonation of delay. There are justified reasons for not attending the matter and not removing office objections, as such the application is allowed. The order dated 9.12.2021 passed by the Registrar (Judicial) in Second Appeal St. No.8047/2021 is hereby set aside.

Registry is directed to restore the Second Appeal on its original number. After registration of Second Appeal, learned counsel for the appellants to remove office objections within two weeks.

MCA is allowed and disposed of.

[Smt. M.S. Jawalkar, J.]

Gulande