

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

CIVIL APPLICATION (CAO) NO. 446 OF 2021
IN
MISC. CIVIL APPLICATION (St.) NO. 12876 OF 2020
IN
SECOND APPEAL (St.) NO. 20586 OF 2019

Sou. Bharti W/o. Ashwini Mohabe

...VERSUS...

Ashwini S/o. Nandkishor Mohabe

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

Court's or Judge's order

Ms. Seema P. Dhote, Advocate for appellant.
Shri T.A. Mirza, Advocate for respondent.

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

DATE : 12th JULY, 2022.

The present application is filed for condonation of delay in filing restoration application in Second Appeal bearing Stamp No. 20586/2019.

2. The learned counsel for the appellant submits that the learned Judicial Registrar dismissed Second Appeal Stamp No. 20586/2019 for non-removal of office objection. The office objection was in respect of supply / filing of certified copies. Due to pandemic, the appellant could not obtain certified copies within limitation and could not file the present application for restoration.

3. The learned counsel for the respondent vehemently opposed the application and submits that a very casual approach is being adopted by the present appellant.

4. I heard the learned counsel appearing for both the parties and gone through the contents of the application. In my considered opinion, there is no deliberate or intentional delay in filing the application for restoration. As such, the delay in filing the application for restoration is hereby condoned.

5. However, inconvenience caused to the respondent cannot be overlooked and that can be taken care of by imposing appropriate costs in the matter. Accordingly, I pass the following order:-

- I) Application is allowed subject to the payment of costs of Rs. 500/- to be paid to the respondent within a period of two weeks.
- II) The Registry is directed to register the Misc. Civil Application for restoration of Second Appeal.
- III) The application is disposed of accordingly.

MISC. CIVIL APPLICATION (St.) NO. 12876 OF 2020

The present application is filed for restoration of Second Appeal (Stamp) No. 20586 of 2019 which was dismissed for non-removal of office objection.

2. The learned counsel for the appellant submits that the certified copies are already received and they will be placed on record within two weeks.
3. The learned counsel for the respondent vehemently opposed the application.
4. However, considering the reasons stated in the application, the application is allowed. The order passed by Registrar Judicial dated 20/02/2019 and consequential order of refusal of registration are set aside. The Registry is directed to restore Second Appeal (St.) No. 20586 of 2019 to its original number.
5. The appellant to remove office objections within two weeks after registration of Second Appeal.
6. The application is disposed of accordingly.
7. List the matter along with Second Appeal No. 06/2020.

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