

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

CIVIL APPLICATION (CAO) NO. 770/2022
IN
MISC. CIVIL APPLICATION STAMP NO. 16087/2022
IN
SECOND APPEAL STAMP NO. 11392/2022

Sheikh Ibrahim S/o Mohammad Sheikh and others
Vs.
Sheikh Rehman S/o Mohammad Sheikh

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

Court's or Judge's orders

Shri M.R. Joharapurkar, Advocate for appellants

CORAM : SMT. M.S. JAWALKAR, J.
DATE : 06/10/2022

The present application is filed for condonation of delay in filing application under Chapter XII of Bombay High Court Appellate Side Rules, 1960, for reversal of Registrar's order of dismissal in default.

2. The second appeal was preferred by the appellant and the matter was listed before the Registrar on 18/08/2022 for removal office objection. There was minor objection that the margin is not proper or page numbers are not properly given.

3. Registrar gave 14 days time and ordered that on failure to remove office objections, the appeal would stand refused.

4. The registration of second appeal was rejected on 03/09/2022. As per the rules, the application has to be filed within seven days. However, it came to be filed after delay of 20 days. The reasons stated in the application are satisfactory. Hence, delay in filing application is hereby condoned.

5. The application is disposed of.

MISC. CIVIL APPLICATION (MCA) ST. NO. 16087/2022

The present application is filed for setting aside the order of Registrar (Judicial), refusing the registration and restoring the second appeal on its stamp number.

2. For the reasons stated in the application, the application is allowed. The order dated 03/09/2022 passed by Registrar (Judicial), is hereby set aside.

3. The Registry is directed to restore the Second Appeal Stamp No.1139/2022.

4. After registration of the same, appellant to remove office objection/s within one week.

5. List the matter thereafter.

(SMT. M.S. JAWALKAR, J.)