

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**50 CIVIL APPLICATION NO.9651 OF 2018
IN RC/648/2012**

**RAMABAI SHANKAR GAJBHARE AND OTHERS
VERSUS
D. PRAYATHAM BABU NARSIMLU AND OTHERS**

...
Mrs. Smita Nagarkar, Advocate holding for Mr. Kiran M.
Nagarkar, Advocate for the applicants.
...

CORAM : SANDIPKUMAR C. MORE, J.

DATED : 27.02.2023.

ORDER:-

1. Heard rival submissions.
2. The applicants are seeking recalling of order dated 31.07.2017 whereby registration of their first appeal was refused for non-removal of office objections. There is also a huge delay for filing this application and in the meantime, the appeal memo and annexures are also destroyed. The learned counsel for the applicants pointed out that she has just removed the office objections on 24.02.2023 as per the order of this Court dated 06.02.2023. However, it appears strange that despite pendency of this application, how could she obtain such permission to remove office objections without mentioning pendency of this application to the Court. Such conduct is not at all proper on the part of learned Counsel for

the applicants. Anyhow, the objections are removed, but considering the aforesaid conduct, certain cost needs to be imposed on account of such negligent approach of the applicants.

3. In view of the same, the order dated 31.07.2017 stands recalled and the appeal be restored subject to deposit of cost of Rs.2,000/- to be paid to the Library, Advocates Association of High Court, Bombay, Bench at Aurangabad.

4. Application is disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)