

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

**918 CIVIL APPLICATION NO.7915 OF 2023
IN SAST/10989/2021**

**FATEH MOHAMMED ABDUL SAHEB TAKE
VERSUS
HARDWARILAL BANSIDHAR AGRAWAL AND ORS.**

...
Advocate for Applicant : Mr. H.V. Tungar h/f. Mr. C.C. Deshpande
...

**CORAM : ARUN R. PEDNEKER, J.
DATED : 18/07/2023**

PER COURT :

1. Present civil application is filed for condonation of delay of 386 days caused in filing present civil application for restoration of second appeal. By order dated 2.3.2022 the Registrar Judicial has dismissed the second appeal for non removal of the office objections. The learned counsel for the applicant takes blame to himself and submits that inadvertently due to his mistake, it was dismissed for non prosecution. For the reasons stated in the application, the application is allowed. The delay of 386 days is condoned. The order passed by Registrar Judicial on 2.3.2022 is set aside.

2. The learned counsel for the applicant submits that third office objection is "Title of Memo of RCA is not corrected (page No.25)". In respect of this office objection, the learned counsel submits that original Civil Appeal No. 1269/2006 was presented before the High Court, however, due to enhancement of jurisdictional limit the matter has been transmitted to the District Court, Latur and the same was renumbered as RCA No. 259/2012 and thus, the cause title of the memo of appeal continued to be the same as it was before this Court. The learned counsel to state this fact

in the foot note of the Appeal memo and also to state the appeal number granted before the District Court in memo of appeal. Applicant to remove all other office objections within a period of three weeks from today. Civil Application is disposed of accordingly.

[ARUN R. PEDNEKER J.]

ssc/