

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

**CIVIL APPLICATION NO. 9434 OF 2018  
IN RC/753/2018**

Baburao Shivram Patil  
Since dead through legal heir  
Parvatabai Baurao Patil .. Applicant

Versus

Dnyaneshwar Baburao Patil and another .. Respondents

Mr. Anand I. Deshmukh, Advocate for the Applicant.

**CORAM : KISHORE C. SANT, J.**

**DATED : 10<sup>th</sup> OCTOBER, 2023.**

**P. C. :-**

. This application is filed for restoration of second appeal which was dismissed for want of non removal of the objections. While filing this application delay of 49 days is caused. Learned advocate for the applicant undertakes to remove all the office objections within a period of three (03) weeks. Since the case was dismissed even prior to issuance of notice, this Court finds that delay of 49 days can be condoned and the application can be allowed. Therefore, the application is considered.

2. The reason assigned for delay is that the applicant had no knowledge of the rejection of the appeal by this Court and therefore,

did not file the application immediately.

3. Considering this fact and to give a fair chance to the applicant to prosecute the appeal, the civil application stands allowed by condoning the delay.

4. Objections be removed within a period of three (03) weeks from today. Subject to removal of objections within a period of three (03) weeks, the appeal stands restored.

5. The civil application stands disposed off.

( KISHORE C. SANT, J. )

P.S.B.