

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

**CIVIL APPLICATION NO.4371 OF 2021 IN
REJECTED CASE NO. 402 OF 2015 IN
FIRST APPEAL ST. NO. 20700 OF 2014**

Bhagwan Keshav Mahajan (died)
through L. Rs.

Applicants

Versus

The State of Maharashtra & another

Respondents

Mr. B. K. Pawar, advocate holding for Mr. A. B. Kale, advocate
for the Applicants

Mr. S. N. Kendre, AGP for Respondent No.1.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 07th February, 2023.

PC :

Heard rival submissions.

The applicants are seeking setting aside of the order dated 24.02.2015 whereby registration of their First Appeal was refused for non removal of office objections.

It is significant to note that the appeal memo and annexures are also destroyed since the applicants did not take diligent steps to restore the matter earlier. Moreover, there is also huge delay of 1839 days. Under such

circumstances, certain cost needs to be imposed upon the applicants for their negligent approach.

As such, the order dated 24.02.2015 stands recalled and the First Appeal of the applicants is restored to its original stage i.e. for removal of office objections. The applicants shall remove all the office objections within two weeks from the date of this order. They shall also deposit cost of Rs.2000/- (Rs. Two Thousand) payable to Bar Library of Advocates' Association of Bombay High Court at Aurangabad. Removal of office objections and deposit of cost shall be condition precedent for such restoration. It is further directed that the applicants shall not be entitled for any interest for the aforesaid period of delay of 1839 days if any enhancement of compensation is granted to the applicants in their appeal.

Civil Application is disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

adb