

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

CIVIL APPLICATION NO.1942 OF 2023
IN CAST/3313/2021 WITH CA/10383/2011 IN SA/83/2014 WITH
CA/15153/2019 IN CA/10383/2011

SAYYAD MOHAMMAD ALI SAYYAD ALAM DIED LRS. SAYYAD SADIK
SAYYAD MOHAMMAD ALI AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THRO. COLLECTOR JALNA AND
OTHERS

...

Advocate for Applicants : Mr. Sk. Mujtaba Gulam Mustafa

Advocate for Respondents : Mr. A. S. Bajaj

...

CORAM : R.M. JOSHI, J

DATE : APRIL 05, 2023

PER COURT :

1. This application is filed for restoration of Civil Application (Stamp) No. 3313/2021, which came to be dismissed (refused) by the learned Registrar (Judicial) by impugned order dated 22.09.2021. The said order came to be passed as the Appellant have failed to remove office objection with regard to the said civil application.

2. It is contended by the Applicants that the orders in question were passed during the period of Covid-19 pandemic and there were restrictions on the movement of common people and Courts were not working

at its full strength. It is contended that the delay caused in preferring application is not deliberate.

3. Learned Counsel for Respondent Nos. 2 and 3 vehemently opposed the application by contending that in fact the second appeal was also filed belatedly and that entire endeavor is to delay the hearing/admission of the second appeal.

4. Perusal of the application does not show that any malafides can be attributed at least in making this application belatedly. Hence, the Application is allowed in terms of prayer clause 'B'. The Respondents can be compensated adequately by imposing appropriate cost. In facts of the case, the cost is quantified @ Rs. 2,000/- payable to the contesting Respondent. The contesting Respondent No. 2 is present. He has received the cost of Rs. 2,000/- for himself as well as on behalf of Respondent No. 3.

5. As the cost is paid, Civil Application (Stamp) No. 3313/2021 stands restored to its original stage.

6. Learned Counsel for the Applicants/Appellants undertakes to this Court that within a period of two

weeks from the registration of the said application, all office objections would be removed. It is clarified that if the Applicants/Appellants fail to remove office objections within a specified period, this order shall stand vacated without further reference of this Court.

7. List the Civil Application (stamp) No. 3313/2021 on 26th April, 2023.

(R.M. JOSHI, J.)

Malani