

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAO) NO.165/2023

IN

MISC. CIVIL APPLICATION ST. NO.576/2023

IN

SECOND APPEAL ST. NO.9407/2022 (REJECTED)

Ramdas s/o Mangalchand Dhoke

Vs.

Ashokkumar s/o Peshumal Pamnani

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.B. Satpute, Advocate h/f Shri S.P. Kshirsagar, Advocate for applicant

CORAM : SMT. M.S. JAWALKAR, J.

DATED : 16/02/2023

The present application is filed for condonation of delay in filing restoration application. It is submitted that the learned Counsel for applicant was admitted in the hospital for four days. In the meanwhile, during that period, the appeal came to be dismissed by order dated 21/07/2022 for non removal of office objections. The said dismissal was noticed by the Counsel when the matter was sought to be circulated on 05/01/2023. The application is supported by medical certificate. As such, I am inclined to allow the application. The application is allowed.

2. The delay in filing restoration of Second Appeal is hereby condoned.

3. The Registry is directed to register the Misc. Civil Application.

4. The application stands disposed of.

MISC. CIVIL APPLICATION ST. NO.576/2023

1. The present application is filed for restoration of Second Appeal St. No.9407/2022. The registration was refused by the order of the Registrar (Judicial) dated 21/07/2022 for want of removal of office objections. The learned Counsel could not remove office objections due to his ill health and hospitalized. As such, the application is allowed.
2. The order passed by the Registrar (Judicial) dated 21/07/2022 is hereby set aside.
3. The Registry is directed to register the Second Appeal on its original stamp number.
4. After registration of the same, learned Counsel for appellant to remove office objection within two weeks.
5. The application stands disposed of.

JUDGE*R.S. Sahare*