

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

**CIVIL APPLICATION NO.126 OF 2023 IN
MISC. CIVIL APPLICATION (ST.) NO.2200 OF 2023 IN
CIVIL REVISION APPLICATION (ST.) NO. 4132 OF 2022**

(Special Recovery and Sales Officer, Nishant Multistate Co.op. Credit Society Ltd. Akola and
anr. ..Vs.. Shevam s/o Jugalkishore Kothari)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Jagvijay Gandhi, Advocate for the applicants.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- JANUARY 31, 2023.

By preferring this application, the applicant is seeking condonation of delay in filing the application for restoration of the Civil Revision (St.) No.4132/2022.

2. As per the contention of the applicants they have challenged the order passed below Exhibit 12 in Special Civil Suit No.101/2021 dated 22/10/2021 by 6th Joint Civil Judge, Senior Division, Akola by which the application filed by the present applicants under Order 7 Rule 11 of the Code of Civil Procedure, 1908 is rejected.

3. As per the contention of the applicant, the matter was listed before the Registrar (Judicial) however, Registrar (Judicial) has dismissed the appeal as office objections are not removed. The applicant was under the impression that the matter was pending.

4. The applicant has also filed an application to dispense with the certified copy of the order. The applicant has got knowledge and thereafter he filed the civil revision for setting aside the order however delay of 92 days is caused.

5. It is submitted that the reason mentioned in the application are just and reasonable and applicant be permitted to litigate on merits.

6. Heard Shri J.B. Gandhi, learned Counsel for the applicants. Perused the application.

7. Considering the reasons mentioned in the application, it is apparent that as the learned Counsel for the applicants has not noted the order passed by the Registrar (Judicial), therefore, delay is caused.

8. The reasons mentioned in the application appears to be just. In view of that delay of 92 days in filing the application for restoration of Civil Revision Application (St.) No.4132/2022, is condoned.

9. Civil application is disposed of.

MISC. CIVIL APPLICATION (ST.) NO.2200 OF 2023

In view of the reasons mentioned in the application that the learned Counsel due to inadvertence not marked the matter and was under the impression that he has filed an application for dispensing of the certified copies and the matter is pending.

2. However, the Registrar has not considered his application for dispensing of the certified copies and the Civil Revision Application (St.) No.4132/2022 is dismissed.

3. Considering the reasons mentioned in the application, the civil revision application is restored at its original stage.

4. The applicants shall remove the office objection(s) forthwith.
5. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*