

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

CIVIL APPLICATION (CAO) NO.479/2023

IN

MISC. CIVIL APPLICATION ST. NO.2790/2023

IN

SECOND APPEAL ST. NO.16095/2022 (REJECTED)

Anil Digambar Shejole

Vs.

Sau. Narmada Chintaman Bawane and others

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

Court's or Judge's orders

 Shri M.V. Amale, Advocate for appellant

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

DATED : 21/12/2023

The application is filed for condonation of delay of 57 days in filing application for restoration of Second Appeal. Second Appeal Stamp No.16095/2022 came to be dismissed for want of removal of office objections by the order of the Register (Judicial) dated 17/11/2022. Due to inadvertent mistake on the part of the Advocate, the objections could not be removed and when it was noticed, the matter was dismissed.

2. The application is supported by affidavit of Advocate.

3. As such, I am inclined to allow the application, subject to costs of Rs.1000/-, as

Advocate has not shown due diligence. Accordingly, the application is allowed.

4. The delay in filing restoration application is hereby condoned subject to costs of Rs.1000/- to be paid to the Vidarbha Lady Lawyers Association, Nagpur within a period of two weeks.

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

6. The application stands disposed of accordingly.

MISC. CIVIL APPLICATION ST. NO.2790/2023

The present application is filed for restoration of second appeal which was rejected by the order of the Registrar (Judicial). The Registrar (Judicial) passed conditional order on 17/11/2022, for removal of office objections. After lapse of 14 days period, the Second Appeal Stamp No.16095/2022 is dismissed.

2. It is submitted that due to inadvertent mistake on the part of Advocate, the office objections could not be removed. However, as the application is supported by affidavit of learned Counsel for appellant, the application is allowed.

3. The order passed by the Registrar (Judicial) dated 17/11/2022 is hereby set aside.

4. The Registry is directed to register the Second Appeal on its original stamp number, subject to costs as directed in Civil Application No. 479/2023.

5. After registration of Second Appeal, appellant to remove office objections within two weeks.

JUDGE

R.S. Sahare