

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

CIVIL APPLICATION (CAO) NO.31/2023
IN M.C.A. ST. NO. 3126/2020 IN RC NO. 622/2018
(FAST. NO. 2122/2018)

Smt. Banarsibai Wd/O Jugalkishor Bajoria (Dead) Thr. Lrs. Arun Jugalkishor
Bajoria And Others

Vs

The State Of Maharashtra Through Its Collector, Yavatmal And Others

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

Court's or Judge's Order

Mr R.J. Shinde, Advocate for the appellants/applicants.

Ms T. Udeshi, AGP for the respondents/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 01/03/2023.

1. By preferring this application, applicants/original claimants are seeking condonation of delay of 566 days.
2. As per the contention of the applicants, they have challenged the judgment and award passed by the learned civil Judge, Senior Division, Pusad in LAC No. 230/1990, and seeking enhancement of the compensation.
3. Appeal was pending for the registration, however, Registrar (Judicial) has raised objections and the matter was listed before the Registrar (Judicial) for removing office objections on 03/07/2018.
4. However, counsel for the appellants has not removed the office objections and therefore, the registration of

appeal was rejected. However, inadvertently counsel of the appellants has not noted the order passed by the Registrar (Judicial), and therefore, delay of 566 days is caused.

5. As per the contention of the appellants, it was the counsel who has not noted the order passed by the Registrar (Judicial), and therefore, the delay is caused to prefer the appeal is a statutory right and they cannot be deprived of litigating their cause on technical grounds.

6. The said application is strongly opposed by the learned AGP for the respondents, on the ground that the delay is not properly explained.

7. Heard both the sides. Perused the application. It is the appellants that as the office objections are not removed by the counsel, the registration of the appeal is rejected.

8. It is pertinent to note that, the litigants are not attending the proceedings, at the appellate stage and therefore, they are not aware about what stage, their proceedings is pending. It is the counsel, who has to take the necessary steps. Admittedly for the fault of the counsels, the right of the litigants cannot be denied.

9. In view of the reasons mentioned in the application, delay of 566 days is condoned.

Civil Application No. 31/2023 is disposed of.

Misc. Civil Application St. No. 3126/2020

1. On removal of office objections within two weeks, the appeal be restored on its registration stage.
2. On failure to remove office objections within two weeks, the earlier order passed by the Registrar (Judicial) will survive.

Civil application is disposed of.

JUDGE