

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

CIVIL APPLICATION (CAO) NO.431 OF 2023
IN
MISC. CIVIL APPLICATION STAMP NO.3331 OF 2023
IN
FIRST APPEAL STAMP NO.6584 OF 2022

Kiran d/o Govindrao Hore
Vs.
Santosh s/o Chandrakant Jadhao and others

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

Court's or Judge's orders

Mr. A. D. Deshmukh, Advocate for appellant/applicant.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 27/04/2023

1. This application is for condonation of delay of 108 days in filing the application for restoration of First Appeal.
2. Learned Advocate for the applicant submitted that the counsel for the applicant inadvertently has not noted the office objection and, therefore, it was not removed within the time. The learned counsel further has not noted the order of the dismissal and, therefore, delay was caused. It is pertinent to note that, the applicant is not attending the proceeding at the appellate stage and, therefore, they are not aware about the orders. It is inadvertent mistake of the learned counsel and, therefore, the appeal is dismissed. For the mistake of the learned counsel, the

applicant cannot be punished.

3. In view of that, delay of 108 days is condoned to do the substantial justice.

4. Civil application is disposed of.

MISC. CIVIL APPLICATION STAMP NO.3331 OF 2023

1. On removal of the office objection within one week, the appeal be restored at its original stage.

2. On failure to remove the office objection within one week, earlier order passed by the Registrar (Judicial) will survive.

3. Misc. Civil Application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate