

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

CIVIL APPLICATION (CAO) NO. 297 OF 2023
IN
MISC. CIVIL APPLICATION (ST.) NO. 3740 OF 2023
IN
SECOND APPEAL (ST.) NO. 11965 OF 2022 (REJ.)

DINESH S/O. GULABSINGH CHAVAN

...VERSUS...

SMT. SINDHUTAI W/O. KESHAORAO PACHPOHAR

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

Court's or Judge's order

Shri P.A. Dharaskar, Advocate for appellant/applicant.

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

DATE : 01st MARCH, 2023

The present application is filed for condonation of delay of 133 days caused in filing application for restoration of Second Appeal (Stamp).

2. The Registrar (J) by his order dated 08/09/2022 refused to register the Second Appeal (Stamp) for want of removal of office objections. The learned counsel for the appellant/applicant submits that due to oversight, the objections could not be removed and the conditional order came to be passed and as such, registration of Second Appeal (Stamp) was refused by order dated 08/09/2022. When the learned counsel tried to circulate the matter on 09/02/2023, he came to know about the dismissal. Then, he filed

application for restoration along with application for condonation of delay.

3. The application is supported by an affidavit of learned counsel. As such, application is allowed. Delay in filing restoration application is hereby condoned, subject to costs of Rs. 1,000/- to be paid to the Vidarbha Lady Lawyers' Association, Nagpur within a period of two weeks.

4. Registry is directed to register the restoration application.

5. Accordingly, the application is dispose of.

MISC. CIVIL APPLICATION (ST.) NO. 3740 OF 2023

The present application is filed for restoration of Second Appeal (Stamp) which was dismissed/refused for want of removal of office objections.

2. The Registrar (J) had passed the conditional order on 08/09/2022. The learned counsel for the appellant/applicant submits that due to oversight, the objections could not be removed and alternatively, registration of Second Appeal (Stamp) was refused by the said order.

3. The application is supported by an affidavit of learned counsel. As such, for the reasons stated in the application, application is allowed. The order dated 08/09/2022 passed by Registrar (J) is hereby set aside.

4. Registry is directed to register the Second Appeal on its original stamp number after depositing the costs, as per above order passed in Civil Application (CAS) No. 297/2023.

5. After registration of the Second Appeal, the appellant to remove office objections within a period of one week.
6. Accordingly, the application is dispose of.

(Smt. M.S. Jawalkar, J.)

B.T.Khapekar