

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

CIVIL APPLICATION (O) NO. 900 OF 2023 AND MISC.CIVIL
APPLICATION (STAMP) NO. 7935 OF 2023

IN

MISC. CIVIL APPLICATION (RESTORATION) NO. 227 OF 2021

IN

FIRST APPEAL (STAMP) NO. 7631 OF 2018 (REJECTED)

RUSTAMBUWA BHIVRAJBUWA (DEAD) THROUGH LRS

VS.

THE STATE OF MAHARASHTRA AND ANOTHER

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri. R. J. Shinde, Advocate for appellants.
Shri. K. L. Dharmadhikari, AGP for respondents.

CORAM : SMT. M. S. JAWALKAR J.

DATE : 18/07/2023

Present application is filed by the applicant for condonation of delay. The reasons put forth by the counsel that his attorney was not well, therefore, he could not intimate the counsel about the non-removal of office objections.

2. The learned Registrar (Judicial), dismissed the first appeal on 31/07/2018. Thereafter Misc.Civil Application bearing No.227 of 2021, came to be filed, which was also dismissed for removal of office

objections. Now, he is seeking condonation of delay in filing restoration application in Misc.Civil Application No.227 of 2021 and appeal.

3. There is a delay of 981 days in filing restoration application in Misc.Civil Application. The application is supported by affidavit of Advocate, however, from the application itself it shows that how casual approach the learned Advocate is having towards the matter.

4. In view of that the client should not suffer, I am allowing this application subject to heavy costs which is paid by the learned counsel from his personal pocket. Accordingly, the application is allowed subject to payment of costs of Rs.5000/- (Rupees Five Thousand only) to be deposited with the High Court Bar Library within a period of three weeks. The delay in filing restoration application in Misc.Civil Application No.227 of 2021 is hereby condoned.

5. The Registry is directed to restore Misc.Civil Application in Misc.Civil Application No.227 of 2021.

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Further for the reasons stated in the application, the application is allowed.

2. The Registry is directed to restore Misc.Civil Application No.227 of 2021, subject to payment of costs as ordered by this Court in Civil Application (O) No.900 of 2023.

3. After restoration of Misc.Civil Application No.227 of 2021, list the matter after three weeks.

JUDGE