

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

CIVIL APPLICATION (CAO) NO. 701 OF 2023
IN
MISC. CIVIL APPLICATION (ST.) NO. 8697 OF 2023
IN
FIRST APPEAL (ST.) NO. 295 OF 2023

PRATIBHA WD/O. RAJENDRA RATHOD AND ORS.

...VERSUS...

HARIKISHOR S/O. MISHRILAL MALVIYA AND ANR.

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

Court's or Judge's order

Shri D.S.Kushwani, Advocate for applicants/appellants.

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

DATE : 12th JUNE, 2023

The present application is filed by the appellants/applicants for condonation of 12 days' delay in filing the application for restoration of First Appeal.

2. It appears that the appeal was dismissed for want of removal of office objection in respect of Court Fees. It also appears that while calculating the Court fees, there was some error and the matter was dismissed for want of appropriate Court fees. For the reasons stated in the application, I am satisfied that there is no intentional or deliberate delay in filing the restoration application. Accordingly, the application is allowed. The order passed by Registrar(J) dated 05/04/2023 is hereby set aside.

3. Delay in filing restoration application is hereby condoned.

4. Registry is directed to register the restoration application bearing Misc. Civil Application (St.) No. 8697/2023.

5. Accordingly, the application stands disposed of.

MISC. CIVIL APPLICATION (ST.) NO. 8697 OF 2023

The reasons for non-removal of office objection in respect of Court fees is duly explained in the application. As such, application is allowed.

2. Registry is directed to restore the First Appeal (St.) No. 295/2023.

3. Accordingly, the application stands disposed of.

FIRST APPEAL (ST.) NO. 295 OF 2023

After restoration of First Appeal (St.) No. 295/2023, learned counsel for the appellants to remove office objections within two weeks.

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

B.T.Khapekar