

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

CIVIL APPLICATION (CAO) NO. 700 OF 2023
IN
MISC. CIVIL APPLICATION (ST.) NO. 8772 OF 2023
IN
SECOND APPEAL (ST.) NO. 16593 OF 2022 (REJ.)

SMT. SHIRIN TARANNUM WD/O. NURUL HAQ ANSARI AND ORS.

...**VERSUS**...

SHAMA MEHMOOD ALI AND ORS.

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

Court's or Judge's order

Shri N.R.Bhisikar, Advocate for appellants/applicants.

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

DATE : 03rd MAY, 2023

The present application is filed for condonation of delay caused in filing application for restoration of Second Appeal and for setting aside the rejection order of registration of Second Appeal.

2. The delay is caused as inadvertently the matter was skipped while checking the cause list. The application is supported by affidavit of learned counsel. However, as no due diligence was shown, I am inclined to condone the delay subject to costs. As such, the application is allowed.

3. Delay in filing application for restoration of Second Appeal is hereby condoned subject to costs of Rs. 1,000/- to be paid to the Library of High Court Bar Association, Nagpur, within a period of two weeks.

4. Registry is directed to register MCA (St.) No. 8772/2023 for restoration of Second Appeal.
5. Accordingly, the application stands disposed of.

MISC. CIVIL APPLICATION (ST.) NO. 8772 OF 2023

The present application is filed for restoration of Second Appeal (St.) No. 16593/2022.

2. The registration of Second Appeal was refused by learned Registrar (J) vide conditional order dated 17/11/2022 for want of removal of office objections. The reasons stated in the application that due to inadvertent mistake, the matter was skipped while checking cause list. The application is supported by affidavit of learned counsel. As such, application is allowed.
3. The conditional order passed by Registrar (J) dated 17/11/2022 is hereby quashed and set aside.
4. Registry is directed to register the Second Appeal on its original stamp number.
5. After registration of Second Appeal, learned counsel for the appellant to remove office objections by 09/06/2023.
6. Accordingly, the application stands disposed of.

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