

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

CIVIL APPLICATION (CAO) NO. 770 OF 2023
IN
MISC. CIVIL APPLICATION (ST.) NO. 10482 OF 2023
IN
FIRST APPEAL (REJECTED) (ST.) NO. 11917 OF 2017

ABUBAKAR S/O. AHMED MITHA AND ANR.

...VERSUS...

PRADEEP S/O. HEMRAJ DHANULE 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 R.V.Malviya, Advocate for applicants/applicants.

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

DATE : 15th JUNE, 2023

In view of order dated 08/06/2023, the additional affidavit is filed wherein it is given in detail that how the applicants have got knowledge about the dismissal of appeal. The additional affidavit is taken on record. In view thereof, I am inclined to condone the delay of 1420 days in filing restoration application for restoration of First Appeal (St.) No. 11917/2017. However, as no due diligence is shown, delay is condoned, subject to costs of Rs. 5,000/- to be paid with the Library of High Court Bar Association, Nagpur within a period of two weeks.

2. Registry is directed to register Misc. Civil Application (St.) No. 10482 of 2023.

3. Accordingly, the application stands disposed of.

MISC. CIVIL APPLICATION (ST.) NO. 10482 OF 2023

The present application is filed for restoration of First Appeal (St.) No. 11917/2017.

2. The appeal was refused to be registered by the order of Registrar (J) dated 25/07/2017 for want of removal of office objection in respect of Court fees and other office objections.

3. For the reasons stated in the application, application is allowed.

4. The order passed by Registrar (J) dated 25/07/2017 in First Appeal (St.) No. 11917/2017 is hereby quashed and set aside.

5. Registry is directed to register the First Appeal on its stamp number, subject to payment of costs as directed in CAO No. 770/2023.

6. After registration of First Appeal on its stamp number, the appellants/applicants to remove office objections within a week.

7. Accordingly, the application stands disposed of.

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

B.T.Khapekar