

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

CIVIL APPLICATION (CAO) NO.939/2022

IN

MISC. CIVIL APPLICATION ST. NO.11979/2022

IN

SECOND APPEAL ST. NO.3623/2022 (REJECTED)

Mahadeo s/o Raisingh (dead) through Lrs. Rajesh s/o Mahadeo Raut and others

Vs.

Laxmibai wd/o Shriram Raut and others

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

Court's or Judge's orders

Ms A.M. Telange, Advocate h/f Shri A.P. Tathod, Advocate for applicant

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

DATED : 16/02/2023

The present application is filed for condonation of delay in filing restoration application. There is delay of 27 days. The reason for delay is given that the clerk of the Advocate due to oversight did not attend the matter. Therefore, in view of order dated 05/06/2022, the registration of the Second Appeal was refused by order dated 23/06/2022. The Counsel came to know about dismissal and he tried to circulate the matter in the 2nd week of July, 2022. Therefore, there was delay of 27 days.

2. I am inclined to allow the application subject to costs of Rs.500/-. As such, the application is allowed.

3. The delay in filing restoration application is allowed subject to costs of Rs.500/- to be deposited to the High Court Bar Library, Nagpur within a period of one week.

4. The Registry is directed to register the Misc. Civil Application.

5. The application stands disposed of.

MISC. CIVIL APPLICATION ST. NO.11979/2022

1. The Registrar (Judicial) by order dated 09/06/2022 granted time of 14 days to remove office objections as those were not removed. The registration of Second Appeal was refused by the order dated 23/06/2022 of Registrar (Judicial).

2. It is submitted that due to inadvertent mistake of clerk, the office objections could not be removed. The application is supported by the concerned Advocate. As such, I am inclined to allow the application. Accordingly, the application is allowed.

3. The order dated 23/06/2022 passed by the Registrar (Judicial) is hereby set aside.

4. The Registry is directed to restore the Second Appeal on its original stamp number.

5. After registration of Second Appeal, the applicant to remove office objection within two weeks.

6. The application stands disposed of.

JUDGE