

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

**CIVIL APPLICATION (CAO) NO.938/2022**

**IN**

**MISC. CIVIL APPLICATION ST. NO.11981/2022**

**IN**

**SECOND APPEAL ST. NO.664/2022 (REJECTED)**

Rajaram s/o Tukaram Kajale

Vs.

Umaji s/o Bhagwanji Khodke (dead) through LRs. Smt. Vimal w/o Umaji Khodke and  
others

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

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Ms A.M. Telange, Advocate h/f Shri A.P. Tathod, Advocate for applicant  
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**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 76 days. The reason for delay is given that the clerk of the Advocate due to oversight did not attend the matter. Therefore, by order dated 21/04/2022, the registration of the Second Appeal was refused by order dated 05/05/2022. The Counsel came to know about dismissal and he tried to circulate the matter in the 2<sup>nd</sup> week of July, 2022. Therefore, there was delay of 76 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.11981/2022**

1. The Registrar (Judicial) by order dated 21/04/2022 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 05/05/2022 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 affidavit of concerned Advocate. As such, I am inclined to allow the application. Accordingly, the application is allowed.

3. The order dated 21/04/2022 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. The application stands disposed of.