



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

CIVIL APPLICATION (CAO) NO. 977/2022
IN
MISC. CIVIL APPLICATION STAMP NO. 12834/2022

Manish S/o Vasantrao Dabre
Vs.
Sau Trupti W/o Manish Dabare

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

Court's or Judge's orders

Shri D.V. Mahajan, Advocate for appellant

CORAM : SMT. M.S. JAWALKAR, J.
DATE : 24/08/2023

Present application is filed for condonation of delay in filing Misc. Civil Application. There is delay of 92 days in filing application for restoration of Second Appeal. The Registrar (Judicial) dismissed the Second Appeal Stamp No. 14180/2021 for want of removal of office objection vide its order dated 21/04/2022.

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

3. Delay in filing Misc. Civil Application is hereby condoned.

4. Registry is directed to register Misc. Civil Application for restoration of Second Appeal Stamp No. 14180/2021.

5. Application stands disposed of.

MISC. CIVIL APPLICATION STAMP NO. 12834/2022

Present application is filed for restoration of second appeal. It appears that matter was listed for removal of office objections and appellant was supposed to provide certified copy of judgment, decree and appeal memo. Inadvertently, the notice could not be marked in the cause list, therefore, office objections could not be removed within time.

2. However, it appears that before expiry of period of removal of office objections, the learned Counsel for appellant moved an application for extension of time to the Court for filing certified copy of the appeal in Regular Civil Appeal No. 80/2019. The office was unaware about this fact, dismissed the matter and refused registration of second appeal.

3. In view of the submissions made in the application, I am satisfied that there is no intention not to comply with the directions of the Registrar. But bonafidely he was under the impression that as he has filed application for

extension of time that would be granted by Court. However, before that application was to be taken up, the matter was dismissed by Registrar's order. As such, the appellant is entitled to restore the matter on its original number. Accordingly, the application is allowed.

5. Order passed by the learned Registrar (Judicial) dated 21/04/2022, is hereby set aside.

6. Registry is directed to restore the Second Appeal Stamp No. 14180/2021 on its original number.

7. After restoration of Second Appeal, appellant is directed to remove office objections within two weeks.

8. Application stands disposed of.

(SMT. M.S. JAWALKAR, J.)