

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

CIVIL APPLICATION (CAO) NO. 779/2021 IN
MISC. CIVIL APPLICATION STAMP NO. 13729/2021

Budhaji S/o Lataruji Meshram and others

Vs.

Shri Sharawan S/o Sambhaji Katkar and others

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

Court's or Judge's orders

Shri Raja Dandwate, Advocate h/f Shri M.P. Khajanchi, Advocate for applicant
Shri A.J. Gargey, Advocate for respondent Nos. 2 to 5

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

DATE : 02/05/2023

Present application is filed for condonation of delay of 607 days in filing restoration application. It is submitted that Registrar (Judicial), vide order dated 19/07/2018, directed to remove office objection within fourteen days. However, appellants/applicants could not arrange the Court Fees and therefore they could not remove the office objection. As such, registration of second appeal stood refused by the end of the 02/08/2018.

2. It is the contention of the applicants that applicant No.1 is not pursuing any occupation and applicant No.2 is in service. However, it is not made clear, in which office applicant No. 2 is serving, nor her salary is disclosed. The order is passed on 02/08/2018. The Covid-19 pandemic and lockdown was since February, 2020. As such, for the reason given by the applicants/appellants, delay occurred

due to financial condition is accepted.

3. In view thereof, I am inclined to condone the delay, however, subject to costs of Rs.1000/- as no due diligence was shown. The appellant to deposit costs of Rs.1000/- within a period of two weeks with High Court Bar Library.

4. Registry is directed to register the Misc. Civil Application Stamp No. 13729/2021.

MISC. CIVIL APPLICATION STAMP No. 13729/2021.

The present application is filed for restoration of second appeal. The reasons put forth by the appellants for non removal of office objection are financial condition and out break of Covid-19 pandemic.

2. For the reasons stated in the application, I am inclined to allow the application. The order passed by Registrar (Judicial) dated 19/07/2018, is hereby quashed and set aside.

3. Registry is directed to register the Second Appeal Stamp No. 11906/2018, on its original number, after payment of costs as directed in Civil Application No. 779/2021.

4. After registration of the second appeal, the appellant to remove office objection by 15/06/2023.

5. Application stands disposed of.