

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

CIVIL APPLICATION (CAO) NO.478/2023 IN
MISC. CIVIL APPLICATION ST. NO.14620/2022 IN
SECOND APPEAL ST. NO.3610/2022 (R)

Jamilabai Jabbar Sheikh (dead) thr. LR's Akbar Jabbar Chhavare and ors
 Vs.

Tiranbai w/o Chinduji Pardhi

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

Court's or Judge's orders

 Shri A.M. Quazi, Advocate for applicant

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 02/05/2023

The present application is filed for condonation of delay in filing application for restoration of Second Appeal. There is delay of 74 days in filing restoration application in respect of Second Appeal Stamp No.3610/2022. The Register (Judicial) by order dated 09/06/2022 granted two weeks time to remove office objections. However, there is delay of 74 days in filing relevant document as signature of immobile 82 years person was required. Due to a clerical error, there was a difference in the name of the Power of Attorney. It is further submitted that the person is the same though there are variance in his name. At present, I will consider the delay in filing restoration application. The applicant is required to satisfy the office in respect of said issues.

2. As such, for the reasons stated in application delay of 74 days in filing restoration application is hereby condoned subject to costs of Rs.1000/- to be

paid to High Court Bar Library within two weeks.

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

4. The application stands disposed of accordingly.

MISC. CIVIL APPLICATION ST. NO.14620/2022

1. The present application is filed for restoration of second appeal which was rejected by the order of the Registrar (Judicial). The Registrar (Judicial) passed conditional order on 09/06/2022, for removal of office objections. After lapse of 14 days period, the Second Appeal Stamp No.3610/2022 is dismissed.

2. For the reason stated in paragraph Nos.5 and 6, the application is allowed.

3. The order passed by the Registrar (Judicial) dated 09/06/2022 is hereby set aside.

4. The Registry is directed to register the Second Appeal on its original stamp number, subject to costs as directed in Civil Application No.478/2023 is paid.

5. After registration of Second Appeal, applicants to remove office objections by 15/06/2023.

JUDGE

R.S. Sahare