

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

CIVIL APPLICATION (CAO) NO.1250/2023
IN
MISC. CIVIL APPLICATION ST. NO.16852/2023
IN
SECOND APPEAL ST. NO.18186/2022 (R)

Ghanshyam s/o Rajendra Dhole
Vs.
Chandrashekhar Anandrao Dandage (dead) and others

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

Court's or Judge's orders

Shri K.H. Patil, Advocate h/f Shri S.S. Shingane, Advocate
for appellant

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 05/10/2023

The application is filed for condonation of delay of 238 days in filing application for restoration of Second Appeal. Second Appeal Stamp No.18186/2022 was listed on board of Registrar (Judicial). However, due to oversight, matter could not be attended and the same came to be dismissed on 22/11/2022 in view of conditional order dated 08/12/2022. This fact of dismissal came to the knowledge of appellant on 22/08/2023 when Counsel verified the status of appeal.

2. The application is supported by affidavit of Advocate.

3. As such, I am inclined to allow the application, subject to costs of Rs.2000/-, as Advocate

has not shown due diligence. Accordingly, the application is allowed.

4. The delay in filing restoration application is hereby condoned subject to costs of Rs.2000/- to be paid to the Vidarbha Lady Lawyers Association, Nagpur within a period of three weeks.

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

6. The application stands disposed of accordingly.

MISC. CIVIL APPLICATION ST. NO.16852/2023

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 08/12/2022, for removal of office objections. After lapse of 14 days period, the Second Appeal Stamp No.18186/2022 is dismissed.

2. It is submitted that due to inadvertent mistake on the part of Advocate, the office objections could not be removed. However, as the application is supported by affidavit of learned Counsel for appellant, the application is allowed.

3. The order passed by the Registrar (Judicial) dated 08/12/2022 is hereby set aside.

4. The Registry is directed to register the Second

Appeal on its original stamp number, subject to costs as directed above in Civil Application No.1250/2023.

5. After registration of Second Appeal, appellant to remove office objections within three weeks.

JUDGE

R.S. Sahare