



THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAO) NO. 1311 OF 2023
IN
MISC. CIVIL APPLICATION (ST.) NO. 19619 OF 2023
IN
SECOND APPEAL (ST.) NO. 18799 OF 2022 (REJ.)

CHARANDAS S/O. LAXMAN BIBE

...**VERSUS**...

SHYAMRAO S/O LAXMAN BIBE (DEAD) THR. LRS. SMT. KASABAI SHYAMRAO BIBE AND ORS.

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

Court's or Judge's order

Shri Karan Bhende, Advocate h/f. Shri A.S. Dhore, Advocate for appellant.

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

DATE : **23rd OCTOBER, 2023**

The present application is filed for condonation of delay in filing application for restoration of Second Appeal (St.) No. 18799/2022. There is delay of 234 days.

2. It appears that the matter was notified for removal of office objections. Since the counsel for the appellant had failed to notice the conditional order passed by Registrar (J), the objections could not be removed and hence, the Registrar (J) was pleased to refuse the registration and accordingly, the matter was dismissed.

3. I am satisfied that there is justifiable reason for not removing of office objections. However, as no due diligence is shown, the application is allowed, subject to costs. Delay in filing application for restoration of Second Appeal (St.) is hereby condoned, subject to costs of Rs. 2,000/- to be paid to Vidarbha Lady Lawyers' Association within a period of two weeks.

4. Registry is directed to register the restoration application bearing MCA (St.) No. 19619/2023.

5. Accordingly, the application stands disposed of.

MISC. CIVIL APPLICATION (ST.) NO. 19619 OF 2023

For the reasons stated in the application, the application is allowed. The order passed by Registrar (J) dated 19/01/2023 is hereby set aside.

2. Registry is directed to restore the Second Appeal (St.) No. 18799/2022 after deposit of costs as directed above in CAO No 1311/2023.

3. Accordingly, the application stands disposed of.

(Smt. M.S. Jawalkar, J.)

B.T.Khapekar