



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

CIVIL APPLICATION (CAO) NO. 1369 OF 2023
IN
MISC. CIVIL APPLICATION (ST.) NO. 20148 OF 2023
IN
MISC. CIVIL APPLICATION (ST.) NO. 3617 OF 2022 (REV.)
IN
SECOND APPEAL NO. 153 OF 2014

NARAYAN MAROTRAO POHANKAR (DECEASED) THR. LRS. SMT. SUNDARA WD/O. NARAYAN POHANKAR AND ANR.

...VERSUS...

MATERNITY HOME, PULGAON THR. RAMESHKUMAR SUWALAL PATNI AND ANR.

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

Court's or Judge's order

Shri M.P.Dhruv, Advocate for petitioners/applicants.

CORAM : SMT. M. S. JAWALKAR,J.
DATE : 03rd NOVEMBER, 2023

The present application is filed for condonation of delay of 14 months in filing the application for restoration of review application bearing MCA (St.) No. 3617/2022.

2. The said review application came to be dismissed by order dated 23/06/2022 passed by Registrar (J) for want of removal of office objections. The Petitioner no. 1(A) was not feeling well due to her old age and the petitioner no. 1(B) was not in a position to leave her alone. In view thereof, the petitioner no. 1(B) could not contact his advocate regarding progress of his case. In such circumstances, the application for restoration of review application could not be filed at the earlier point of time by the petitioners.

3. Though I am not satisfied with the reasons given in the application, to grant fair opportunity and in the interest of justice, I am inclined to allow the present application subject to costs. As such, the application is allowed. Delay of 14 months in filing application for restoration of review application is hereby condoned, subject to costs of Rs. 2,000/- to be paid to Vidarybha Lady Lawyers' Association, Nagpur within a period of two weeks.

4. After depositing the costs, Registry is directed to register MCA (St.) No. 20148/2023 for restoration of review application.

5. Accordingly, the application stands disposed of.

MISC. CIVIL APPLICATION (ST.) No. 20148/2023

The present application is filed for restoration of review application.

2. The registration of review application was dismissed/refused for want of removal of office objection by order of Registrar (J) dated 23/06/2022. The order passed by Registrar (J) was conditional one.

3. For the reasons stated in para 5 of the application, I am inclined to allow the application. As such, the application is allowed. The order passed by Registrar (J) dated 23/06/2022 is hereby set aside.

4. Registry is directed to restore the review application on its original stamp number i.e. 3617/2022 after depositing the costs as mentioned in CAO No. 1369/2023 above.

MISC. CIVIL APPLICATION (ST.) NO. 3617 OF 2022 (REV.)

After restoration of review application, the learned counsel for the applicant to remove office objections within a period of two weeks.

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

B.T.Khapekar