

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

CIVIL APPLICATION (CAO) NO.101 OF 2023
IN
MISC. CIVIL APPLICATION STAMP NO.19974 OF 2022
IN
SECOND APPEAL STAMP NO.14882 OF 2022 (REJECTED)

Smt. Gangabai Ramrao Shingne and another

Vs.

Govinda Nathuji Raut and another

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

Court's or Judge's orders

Mr. J. M. Shamuwar, Advocate for the applicants.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 27/01/2023

By this application, applicants are seeking condonation of delay in filing the revision under Chapter XII Rule 02 of the Bombay High Court Appellate Side Rules, 1960.

It is contended by the applicants that the counsel for the present appellants/applicants inadvertently did not take note of the order of removal of the office objections, and therefore on non-removal of the office objection, the Second Appeal Stamp No.14882 of 2022 was dismissed.

It is further contended that due to the inadvertent mistake by the counsel, the litigant should not be punished. Delay is not intentional one and hence delay be condoned.

Heard learned Advocate for the applicants.

Perused the application. Considering the reasons mentioned in the application, and the order passed by the Registrar (Judicial), it is apparent that as the office objections are not removed within 14 days by making appropriate application, the condonation of delay for the registration was refused.

In light of the reasons mentioned in the application, there is reasonable and justifiable cause and the litigants shall not be punished for the inadvertent mistake of the counsel. The delay is condoned.

Civil Application No.101 of 2023 is disposed of.

MISC. CIVIL APPLICATION STAMP NO.19974 OF 2022
IN
SECOND APPEAL STAMP NO.14882 OF 2022

This is an application for restoration and set aside the order dated 13.10.2022 refusing registration of the Second Appeal Stamp No.14882 of 2022.

Heard learned Advocate for the applicants. He submitted that due to the inadvertent mistake of the counsel, the office objections are not removed within time. He will remove the office objections within one week.

On the basis of the statement and on removal of the office objections within one week, the Second Appeal Stamp No.14882 of 2022 be registered and the order passed by the Registrar (Judicial) is

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quashed and set aside.

On failure to remove the office objections within one week, the Second Appeal Stamp No.14882 of 2022, stands dismissed without further reference to the Court.

Misc. Civil Application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate