

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

CIVIL APPLICATION (O) NO. 1074 OF 2022
IN
MISC. CIVIL APPLICATION (St.) NO. 20589 OF 2022
IN
SECOND APPEAL (St.) NO. 5904 OF 2022 (Rejected)

Ramesh s/o Mahadeorao Parate

vs.

Suresh Mahadeorao Parate and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Smt. Deepa Charlewar, Advocate for applicant.

CORAM : SMT.M.S.JAWALKAR J.

DATE : 29/03/2023

The present application is filed for condonation of delay of 151 days in filing restoration application. The applicant submits that the registration of Second Appeal had refused by the order of Registrar(Judicial) on 23/06/2022, for non-removal of office objections.

2. It is further contended that due to inadvertent mistake, matter could not be marked in the cause list and therefore, the matter came to be dismissed-in-default for non removal of office

objections. The present application is supported by affidavit of learned counsel for the applicant.

3. However, as no due diligence have been shown by the learned counsel, I am inclined to allow the present application, subject to costs of Rs.1000/- to be deposited in this Court, within **two weeks**. After making payment of costs, the Registry is directed to register Misc. Civil Application.

MISC. CIVIL APPLICATION (STAMP) NO.20589 OF 2022

Present application is filed for restoration of Second Appeal (Stamp) No.5904/2022, which was dismissed by the Registrar(Judicial) for want of removal of office objections vide conditional order dated 23/06/2022, which came to be effected on 07/07/2022. Present application is supported by affidavit of learned counsel for the applicant.

2. For the reasons stated in the application, the same is allowed. The order dated 23/06/2022, passed by the learned Registrar (Judicial) is hereby quashed and set aside. The Registry is directed to restore the Second Appeal (Stamp) No.5904 of 2022 on its original number on payment of costs as directed in Civil Application No.1074 of 2022. After

registration of the same, the applicant to remove office objections within **two weeks**; failure to which the order passed by this Court shall be recalled.

JUDGE