

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

CIVIL APPLICATION (CAO) NO. 129/2023 IN
MISC. CIVIL APPLICATION STAMP NO. 20740/2022 IN
SECOND APPEAL STAMP NO. 9534/2022

Viraj S/o Wamanrao Wagh and another

Vs.

Mohd. Moosa Haji Iqbal Tikki and another

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

Court's or Judge's orders

Shri S.B. Bangde, Advocate for appellants

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

DATE : 23/02/2023

Present application is filed for condonation of delay in filing restoration application in Second Appeal Stamp No. 9534/2022. It is submitted that the Registrar (Judicial) dismissed the appeal for want of removal of office objection regarding certified copies and Court fees. It is submitted that the delay is caused, as client was not having sufficient amount. He applied for certified copies when amount was received by the Counsel. He learnt that matter is dismissed for want of removal of office objections.

2. I am inclined to allow the application as matter should not be dismissed on such technical grounds, however subject to the costs of Rs.500/-, to be deposited to the High Court Bar Library within a period of two weeks.

3. The delay in filing application for restoration is hereby condoned.
4. Registry is directed to register restoration application.
5. The application stands disposed of.

MISC. CIVIL APPLICATION STAMP NO. 20740/2022

Present application is filed for restoration of Second Appeal Stamp No. 9534/2022, which was dismissed by Registrar (Judicial) by its conditional order dated 04/08/2022. Accordingly matter was dismissed on 18/08/2022. It is submitted that though certified copies were in possession on 15/09/2022, Court fees was not available.

2. Considering the reasons, I am satisfied that application needs to be allowed. Accordingly, application for restoration is allowed on payment of costs in Civil Application No. 129/2023.
3. Registry is directed to register the Second Appeal Stamp No. 9534/2022, on its original number.
4. After registration of the same, the learned Counsel for appellant to remove office objections within two weeks.
5. Application stands disposed of.