

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

CIVIL APPLICATION (CAO) NO.61/2023 IN
MISC. CIVIL APPLICATION ST. NO.20793/2022 IN
SECOND APPEAL ST. NO.4141/2022 (R)

Shri Devendrasingh s/o Shankarsingh Thakur Vs.
Shri Udaysingh s/o Ranbirsingh Chandel

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

Court's or Judge's orders

Shri Aniket Satpute, Advocate h/f Shri S.P. Kshirsagar,
Advocate for applicant

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 23/03/2023

The present application is filed for condonation of delay in filing restoration application. There is delay of 139 days in filing restoration application. It is contention of applicant that he had removed office objections at the relevant time, however due to oversight, some minor objections were remained to be removed within time.

2. The Registrar (Judicial) passed conditional order dated 07/07/2022 which resulted in the dismissal of Second Appeal for want of removal of office objections. Now, minor objections are also removed. As such, there is no objection remained to be removed. In view thereof, delay in filing restoration application is hereby condoned.

3. The Registry is directed to register the Misc. Civil Application St. No.20793/2022.

4. The application stands disposed of accordingly.

MISC. CIVIL APPLICATION ST. NO.20793/2022

1. The present application is filed for restoration of Second Appeal St. No.4141/2022. The Registrar (Judicial) dismissed the said appeal for want of removal of office objections.

2. The learned Counsel for applicant submits that he was under bonafide belief, that all the objections are removed. However, the Registrar (Judicial) passed conditional order for removal of some minor objections which could not be noted inadvertently. In consequences, the registration of Second Appeal St. No.4141/2020 came to be refused. It is submitted that now, he has removed office objections which are minor. Accordingly, order passed by the Registrar (Judicial) dated 07/07/2022 refusing the registration of Second Appeal is hereby set aside.

3. The Registry is directed to register the Second Appeal on its original stamp number.

4. After registration of Second Appeal, applicant to remove office objections, if any remained to be removed, within two weeks.

5. The application stands disposed of accordingly.

JUDGE