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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3705 OF 2024
IN
CIVIL APPLICATION STAMP NO. 39061 OF 2018
IN
SECOND APPEAL NO. 589 OF 1992

RUPABAI W/O PEERAJI GALPHADE DECEASED THROUGH LRS
VERSUS
RABIYABI AHMED MOHIYODDIN DECEASED THROUGH LRS

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Ms. Rekha Choudhary h/f Mr. S. S. Choudhary, Advocate for the
Applicants.
Mr. P. G. Godhamgaonkar for Respondents.
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CORAM : ABHAY S. WAGHWASE, J.

DATED : 24.07.2024

ORDER :

1. Civil Application Stamp No. 39061 of 2018 was filed by original defendants for bringing on record legal heirs of deceased Yousuf Ahmed Mohiyoddin, who is claimed to be one of the legal heirs of original plaintiff. Prayer clause (B) of the said application reads as under :

“B. The legal heirs of the deceased Yousuf Ahmed Mohiyoddin may please be ordered to be brought on record by condoning the delay caused in filing the Civil Application and setting aside the abetment order.”

2. It seems that on 10.04.2019, the Registrar (Judicial) passed following order:

“Ms. R. M. Mohale Choudhari, Learned Advocate holding for Shri S. S. Choudhary for applicants submits that she will remove the office objections within two weeks without fail. Her statement is accepted. Two weeks time is granted on condition that if objections are not removed, registration would stand refused automatically without further reference to the Court of Registrar.”

3. Record further shows that, in view of above order passed by the Registrar (Judicial), as the Advocate had not removed office objections within stipulated time, the application automatically stood rejected.

4. From above, it appears that for restoration of Civil Application Stamp No. 39061 of 2018, instant application vide Civil Application No. 3705 of 2024 has been pressed into service. It needs to be noted that for want of disposal of Civil Application, main matter i.e. Second Appeal is not taken up for hearing. Therefore, by way of last chance, two weeks time needs to be granted for removing the office objections in Civil Application Stamp No. 39061 of 2018. Hence, following order

is passed :

ORDER

- I. Civil Application No. 3705 of 2024 is allowed in terms of prayer clause B, subject to condition that the office objections in Civil Application Stamp No. 39061 of 2018 be removed within two weeks.
- II. If office objections are not removed within two weeks, Civil Application Stamp No. 39061 shall automatically stand dismissed without further reference to the Court.
- III. Civil Application No. 3705 of 2024 is accordingly disposed off.

[ABHAY S. WAGHWASE, J.]

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