



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

928 CIVIL APPLICATION NO. 7511 OF 2023
IN SECOND APPEAL (ST) NO. 20046 OF 2022

M/S CHATRABHUJ JADHAVJI AND COMPANY THROUGH OWNER
DHANRAMSI (DIED) THROUGH L.RS. SHRIKANTA AND OTHERS

VERSUS

M/S BANSILAL DHALICHAND JAIN GENERAL MERCHANT AND
COMMISSION AGENT

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Mr. Niranjan V. Dhake – Advocate for Applicants

Mr. S.H. Tripathi – Advocate for Respondent No.1

Mr. Ujwal Patil – Advocate for Respondent No.2

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CORAM : SANDIPKUMAR C. MORE, J.

DATE : 6th September, 2024

PER COURT :

1. Heard rival submissions.
2. The applicants are seeking recalling of order dated 28.09.2022 whereby registration of their Second Appeal was refused for non-removal of office objections, by condoning the delay of 187 days. The learned Counsel for respondent No.1 strongly opposed the application on the ground that, the appellants / applicants by taking disadvantage of pendency of this application are avoiding to satisfy the money decree. However, this can be consider at the time of admission of the appeal. At present the learned Counsel for the

applicants undertakes to remove all the office objections within three weeks.

3. In view of the same, the order dated 28.09.2022 stands recalled and the Second Appeal be restored for removal of office objections within three weeks subject to deposit of cost of Rs.500/- (rupees Five Hundreds only) to be paid to the Library, Advocates Association of High Court, Bombay, Bench at Aurangabad.

4. The application is disposed of accordingly.

[SANDIPKUMAR C. MORE]
JUDGE