



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

912 CIVIL APPLICATION NO. 6222 OF 2018
IN RC/659/2012 IN FA (ST) NO.14662/2012

Nagesh Kedarnath Wadkar And Ors.

VERSUS

The State of Maharashtra And Anr.

...

Mr. V. B. Patil, Advocate for Applicant

Mrs. V. S. Chaudhari, AGP for Respondent No.1/State

...

CORAM : R. G. AVACHAT &
NEERAJ P. DHOTE, JJ.

DATE : 05.01.2024

PER COURT :

1. The first appeal preferred by the present applicants was dismissed by the learned Registrar (Judicial) of this Court on account that the applicants had not removed the office objections.
2. Learned Advocate for the appellants/applicants makes a statement that the office objections would be removed in a couple of weeks.
3. We do not find any reason to issue notice to the acquiring body and hear the State on this point.
4. In view of the same, we allow the civil application in terms of prayer clauses – 'B' and 'C'.
5. The office note indicates that the entire record has been destroyed. The reconstruction of file would be admitted only in case there is no objection from the other side.

6. Needless to mention, if the appellants/applicants succeed in appeal, they would not be entitled for component of interest for delayed period in preferring appeal and the delay occurred in filing the present application, since the order is passed by the learned Registrar [Judicial] dismissing the appeal for want of non-compliance of the office objection.

7. The civil application is disposed of accordingly.

[NEERAJ P. DHOTE, J.]

[R.G. AVACHAT, J.]

Sameer