

*MJ Jadhav*

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
INTERIM APPLICATION NO. 760 OF 2023  
IN  
SECOND APPEAL (ST) NO. 31353 OF 2014**

Dhondu Vithu Kherade through Legal      ... Applicants  
Heirs and Ors.

vs.

Balaram Babu Kherade Since deceased      ... Respondents  
through legal heirs and Ors.

Mr. Vinay Bhate for the Applicants.

**CORAM : GAURI GODSE, J.**

**DATED : 5<sup>th</sup> JULY 2024**

**ORDER:**

1. Since soft copy of the interim application was not accessible, learned counsel for the applicant tendered hard copy of the application, which is taken on record.
2. This application is filed for restoration of second appeal after more than ten years.
3. The registration of the second appeal was refused for non-compliance of the conditional order dated 7<sup>th</sup> March 2014 passed by the learned Registrar (Judicial-II) of this Court.

4. The application is bereft of any explanation as to the date of knowledge of dismissal of the second appeal. Vague allegations are made against the earlier Advocate in the application.

5. I do not find that the reasons given for delay condonation to be genuine. There is no sufficient explanation for the delay caused in filing the present application. Even, no justifiable explanation is given for not complying with the conditional order dated 7<sup>th</sup> March 2014.

6. Office remark indicates that the papers of the proceedings are also destroyed. The application is devoid on any merit. Hence, the Application is dismissed.

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signed by  
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JAYWANT  
JADHAV  
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**(GAURI GODSE, J.)**