

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.6535 OF 2024
IN
FIRST APPEAL STAMP NO.7953 OF 2022**

Vishwas Yeshwantrao Navalkar & Ors. ..Applicants
Versus
The State of Maharashtra & Ors. ..Respondents

Mr. Rupesh T. Padwal i/by Vikas Murudkar, for the Applicants.
Mr. A. R. Patil, AGP for the Respondent/State.

CORAM : KISHORE C. SANT, J.

DATE : 10th APRIL, 2024

PC.

1. At the outset, learned advocate for the Applicants seeks leave to delete name of Respondent No.7(a), who died during pendency of the Appeal and her legal heirs are already on record i.e. Respondent Nos.7(b) and 7(c).

2. This Application is filed before issuance of notice in the First Appeal, which came to be dismissed in view of conditional order dated 29.08.2023 for non-removal of objections. Applicants were not aware of the dismissal order and therefore could not take immediate steps. While filing the Application, delay is of five months is caused. The reasons is stated to be lack of knowledge of the impugned order. Since the Appeal is rejected before issuance

of notice, this Court finds that no notice is required.

3. As learned advocate undertakes to remove office objections within four weeks and for the reasons stated, the Application stands allowed. Delay stands condoned.

4. First Appeal stands restored to its original position, subject to removal of office objections within four weeks from today.

5. Office to allow the Applicants to remove office objections within four weeks. Thereafter the Applicants shall be at liberty to circulate the First Appeal.

6. The Application stands disposed of.

[KISHORE C. SANT, J.]