

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

**INTERIM APPLICATION NO. 15587 OF 2023
In
SECOND APPEAL (STAMP) NO. 7339 OF 2021**

Vimal Sakharam Yeole & AnrApplicants
V/S
Sahadu Khandu KateRespondent

Mr. K. K. Jadhav for the Applicants.

CORAM : M. M. SATHAYE, J.

DATED : 16th FEBRUARY, 2024

P.C.:

1. Heard learned Counsel for the Applicants. This Application is for restoration of the above Second Appeal, which is dismissed for non-removal of office objections under order dated 13/04/2024, which was a conditional order. Learned Counsel for the Applicants invited this Court's attention to the Annexures 5 & 6 to the application, which are High Court's official website print-outs. It shows that all objections in the file of Second Appeal are shown to be removed/complied and on 08/06/2022 itself the certified copy was filed.
2. The Appeal was not admitted. Perusal of the record shows that even notices were not issued and the Appeal is dismissed at the stage of removal of office objections.

3. In that view of the matter, considering the averments in the Application and said annexures, sufficient cause is made out for restoration of the Appeal and delay condonation in filing this Application. Dismissal of the Appeal on technical ground of not removing office objections, cannot be sustained when apparently efforts were made by the Applicants/Appellants to remove the office objections. An opportunity to contest on merits is necessary in the interest of justice.

4. Hence, the Application is allowed in terms of prayer clause (a). Delay is condoned. The Appeal is restored subject to the condition that Applicants/Appellants shall now remove remaining/pending office objections, if any, within a period of 4 weeks from today, failing which the present Application will stand dismissed without further reference to the Court.

5. All concerned to act on duly authenticated or digitally signed copy of this order.

(M. M. SATHAYE, J.)