

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

**CIVIL APPLICATION NO.228 OF 2021
IN
REJECTED CASE NO.1491 OF 2018
(FIRST APPEAL STAMP NO.10720 OF 2018)**

Shri. Arjun Krishna Mangale ..Applicant
Versus
The State of Maharashtra & Ors. ..Respondents

Mr. Gautam R. Kulkarni i/by Satyajeet A. Rajeshirke, for the Applicant.
Mr. A. R. Patil, AGP for the Respondent/State.

CORAM : KISHORE C. SANT, J.

DATE : 5th MARCH, 2024

PC.

1. This Application is filed seeking restoration of the First Appeal that came to be dismissed for default by way of conditional order dated 08.08.2018. Learned Registrar (Judicial-II) had passed an order granting two weeks time to the Appellant to remove office objections. Since the objections were not removed, registration came to be refused. There is delay of 26 days caused in filing this Application. It is stated that though the four weeks time expired on 05.09.2018, till then the objections could not be removed because of personal difficulty of the advocate. Advocate for the Applicant came to know about the order of dismissal in second week of September. It is stated that thereafter the clerk in the office of the

advocate could not remove objections as member from his family was not well. It is stated that for the above reasons, delay of 26 days caused.

2. For the reasons stated, Application stands allowed. Delay stands condoned.

3. The First Appeal be restored to its original status, subject to condition that the office objections are removed within two weeks from today.

4. Office to register the First Appeal.

[KISHORE C. SANT, J.]