

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

**INTERIM APPLICATION NO. 1955 OF 2022
In
SECOND APPEAL STAMP NO. 23068 OF 2019**

Ram Dashrath Patil & Ors

....Applicants

V/S

Tulshiram Vaman Patil(represented Thr. Lrs)

Kusum Tulshiram Patil & Ors

....Respondents

Ms Sapana Rachure for Applicant

None for the Respondents

CORAM : M. M. SATHAYE, J.

DATED : 14th FEBRUARY, 2024

P.C.:

1. Heard learned Counsel for the Applicants. Perused the Application and annexures. This is an application for restoration of above Second Appeal, of which registration is refused under the conditional order dated 20/10/2021 for non-removal of office objections.

2. Office note shows that due to suspension of limitation period under the order of the Hon'ble Supreme Court during Corona pandemic, the present Application is filed in time. Office note further shows that office objections were non-filing of the certified copy of grounds of appeal, that of judgment and decree of the Trial court and delay condonation of Application was not filed.

3. Learned Counsel for the Applicants submits that given a chance, all these objections can be removed within a period of three weeks as necessary certified copies are already applied for and the same can be submitted. She further submits that the delay condonation application will also be filed.

4. Considering the fact that restoration is filed on time and statutory appeal is dismissed on technical grounds of none removal of office objections, case for restoration is made out. It is just and necessary that an opportunity is given to the Appellants to proceed on merits.

5. Hence, the Application is allowed in terms of prayer clause (a) subject to condition that the Applicants/Appellants shall remove all the office objections within a period of three weeks from today. It is clarified that if the office objections are not removed within the stipulated time, this Application shall stand dismissed without further reference to the Court.

(M. M. SATHAYE, J.)