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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 10553 OF 2024
IN
SECOND APPEAL (ST) NO. 21656 OF 2022**

Shri Motiram Yevaji Choudhari ... Applicant/Appellant

vs.

Shri Sitaram Bhovaji Choudhari ... Respondent

Mr. Sushant N. Tare h/f. Mr. Rameshwar N. Gite, for
Applicant/Appellant.

CORAM : GAURI GODSE, J.

DATED : 12th AUGUST 2024

ORDER:

1. This application is for setting aside the conditional order and restoration of the Second Appeal. Learned counsel for the applicant submits that the Second Appeal was dismissed for non removal of the office objections. Learned counsel for the applicant submits that the reason for delay as well as not removing the office objections within time, is explained in paragraph no. 2 of the application. He submits that when the learned advocate was preparing an application for circulation of the Second Appeal, he learnt that the Second Appeal stands dismissed, in view of the conditional order.

2. Learned counsel for the applicant further submits that all the office objections shall be removed within two weeks from today. Learned counsel for the applicant further submits that when the conditional order was passed, the respondents were not represented by any advocate.

3. I have perused the application and considered the oral submissions made on behalf of the applicant. Considering the reasons given in the application and the oral submissions made on behalf of the applicant, the delay caused in filing the application is condoned.

4. The application is allowed in terms of prayer clauses (a) and (b), subject to the applicant removing all office objections within four weeks from today.

5. It is clarified that if office objections are not removed, the application will stand dismissed without reference to the court.

6. If all office objections are removed, office is directed to register the Second Appeal and list the appeal under the caption for 'urgent admission' on 21st October 2024.

7. Interim Application is allowed in the above terms.

(GAURI GODSE, J.)