



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION NO.760/2023 WITH M.C.A. ST. NO.2243/2023 IN
FIRST APPEAL ST. NO. 12920/2021

R. A. Rai, Railway Contractor, Nagpur .Vs. Sushila w/o Devchand alias Devdas
Tembhare and Others.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. J. L. Bhoot, Advocate for applicant.

Mr. P. V. Navlani, Advocate for non applicant nos. 2 to 5.

CORAM : ANIL L. PANSARE, J.

DATE : 04.01.2024

By present applications, the applicant is seeking to condone the delay of 75 days in filing the application for restoration of the appeal so also restoration of the appeal.

It appears that the learned Registrar vide order dated 11.10.2022, granted 14 days time for removal of the office objection, failing which the registration of the appeal was refused. The said period of 14 days came to an end on 09.11.2022. Resultantly, the registration of the appeal came to be refused and notified by the registry vide noting dated 12.12.2022.

Remarks of the registry show that the learned counsel for the applicant was granted several opportunities to remove the office objections. However, he did not.

The experience shows that despite giving opportunities, the office objections are not removed. This is yet another such case.

That apart, the applicant continued casual approach and took 75 days to file application for

restoration of the appeal. This casual approach is deprecated.

Nonetheless, the valuable rights of the applicant are involved and hence the applications are allowed, subject to costs of Rs.5,000/- to be paid to the Maharashtra Legal Services Authority. The appeal is restored on the file. The applicant shall remove the office objections within 14 working days, failing which the appeal shall stand dismissed without further reference to the Court.

(Anil L. Pansare, J.)

Kahale