



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
CIVIL APPLICATION (CAO) NO.1013 OF 2024 IN
SECOND APPEAL ST. NO.1788 OF 2024

Lalit S/o Jasrajbhai Patel .Vs. Jadhavlal S/o Mavji Patel

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms Rashi A. Deshpande, Advocate for appellant.

CORAM : SANJAY A. DESHMUKH, J.
DATED : 23/08/2024

1. This is an application for condonation of delay of 91 days caused for filing an application for restoration of appeal which was dismissed for non-removal of office objection i.e. not filing of the certified copy of the judgment of the trial Court.

2 The learned advocate for the appellant submits that, delay is not deliberately caused however, the record was not available in the trial Court for obtaining its copy. She further submits that, it has been instructed too late that in a writ filed by the respondents, all the record and proceeding was called and therefore, it was difficult to file judgment of the trial Court. She further submits that, if internet copy is received and filed that will suffice the purpose. She therefore seeks permission to file internet copy. It is settled law that judgment copy through internet can be relied upon in appeal. Therefore, her prayer deserves to be allowed.

3. Considering a reason that time went for receiving copy of judgment, the delay of 91 days caused for

filing application for restoration of appeal deserves to be condoned in the interest of justice. Delay is condoned. Application is **allowed** and **disposed of**.

MCA ST. NO.15528 OF 2024

4. This is an application for restoration of appeal dismissed for non-compliance of office objection.

5. The learned advocate for the appellant submits that, delay is not deliberately caused however, the record of the trial Court was not available to obtain copy of its judgment. She further submits that, it has been instructed that in a writ filed by the respondents all the record and proceeding was called and therefore, it was difficult to file judgment of the trial Court. She further submits that, if internet copy is filed that will suffice the purpose. She therefore seeks permission to file internet copy. Internet copy of the judgment can be relied upon. It can be accepted.

6. Registry of this Court is directed to accept the copy of the judgment of the trial Court generated from the computer.

7. Considering above reason and that the learned advocate for the appellant is permitted to file the copy of the judgment of the trial Court generated from the computer, this application also deserves to be allowed in the interest of justice. The application is **allowed** and **disposed of**.

CIVIL APPLICATION ST. (CAO) NO.1789 OF 2024

8. This is an application for grant of stay.

9. Heard learned advocate for both sides.

10. Perused the application and impugned judgment.
11. Considering ground stated in the application, it would be proper to stay the execution of impugned judgment and decree of the trial Court as prayed for.
12. Issue notice to the respondents.
13. Meanwhile, there shall be stay to the execution of impugned judgment and decree as per prayer clause (a).
14. Stand over to **06.09.2024**.

(SANJAY A. DESHMUKH, J.)