



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

CIVIL APPLICATION [CAO] NO.1508 OF 2024
IN
MISC. CIVIL APPLICATION ST. NO.23073 OF 2024
IN
FIRST APPEAL ST. NO.16211 OF 2023 [D]

[Shabana Khan wd/o Wahid Khan and others .vs. Anishoddin s/o Sirajoddin and others]

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

Court's or Judge's orders

Ms. Shreya H. Bhagat, Adv. h/f Mr. P.R. Agrawal, Adv. for Applicants.
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CORAM : SANJAY A. DESHMUKH, J.
DATE : 6th DECEMBER, 2024.

1. This is an application for condonation of delay of 321 days caused for filing the application for restoration of appeal which was dismissed by order dated 12.12.2023 passed by the learned Registrar (Judicial) of this court for non removal of office objections.

2. Leaned advocate for the applicants pointed out that the advocate for the applicants could not notice the order dated 12.12.2023 by which the appeal was dismissed for non removal of office objections. It appears that the delay is caused because of the mistake of the learned advocate for the applicants. It is well settled that for the mistake of advocate, the party shall not suffer. The delay is not deliberately caused.

3. Considering this position, the application deserves to be allowed in the interest of justice. The delay of 321 days is hereby condoned, subject to removal of office objections within two weeks. If the office objections are not removed within two

weeks, the application shall be deemed to be rejected without further order.

4. The application is allowed and disposed of.

MISC. CIVIL APPLICATION ST. NO.23073 OF 2024

1. This is an application for restoration of appeal dismissed for non removal of office objections.

2. Perused the application.

3. Heard the learned advocate for the applicants.

4. Learned advocate for the applicants pointed out that because of the mistake of the advocate, office objections were not removed. It is well settled that for the mistake of the advocate, the party shall not suffer. The matter shall be decided on merit.

5. Considering all these aspects, the application deserves to be allowed in the interest of justice. The application is allowed on condition that office objections shall be removed within two weeks. If the office objections are not removed within two weeks, the application shall be deemed to be rejected without further order.

6. The application is allowed and disposed of.

(SANJAY A. DESHMUKH, J.)