



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

CIVIL APPLICATION [CAO] NO.1507 OF 2024
IN
MISC. CIVIL APPLICATION ST. NO.23076 OF 2024
IN
FIRST APPEAL ST. NO.11544 OF 2023 [D]
 [Rashtrapal Subhash Shejao .vs. ABC Logistics and one]

 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 Applicant.

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CORAM : SANJAY A. DESHMUKH, J.
DATE : 6th DECEMBER, 2024.

1. This is an application for condonation of delay of 433 days caused for filing the application for restoration of appeal which was dismissed by order dated 29.08.2023 passed by the learned Registrar (Judicial) of this court for non removal of office objections.

2. Leaned advocate for the applicant pointed out that the advocate for the applicant could not notice the order dated 29.08.2023 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 applicant. It is well settled that for the mistake of advocate, the party shall not suffer. The delay is not deliberately caused. Applicant is poor and handicapped having 80% permanent disability.

3. Considering this position, the cost cannot be imposed. The application deserves to be allowed in the interest of justice. The delay of 433 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.23076 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 applicant.

4. Learned advocate for the applicant 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.)