



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CIVIL APPLICATION (CAO) NO.1300 OF 2024

IN

MCA ST. NO. 19482 OF 2024

IN

FIRST APPEAL ST. NO. 6922 2023

SHIVAJI S/O GANGARAM THAKRE

Vrs.

THE STATE OF MAHARASHTRA AND OTHERS

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

Court's or Judge's Order

Shri Shashikant Nagrare, Advocate h/f Shri Alpesh Deshmukh,
Advocate for applicant/appellant.

Shri M. A. Kadu, AGP for respondent Nos.1 and 2.

CORAM: SANJAY A. DESHMUKH, J.

DATE : 03/12/2024.

1. This is an application for condonation of delay of 401 days for filing application for restoration of appeal, which was dismissed for non-removal of office objections.

2. Learned advocate for the applicant submits that applicant could not pay Court Fees within time and therefore, appeal was dismissed.

3. Learned advocate for the applicant submits that because of his own mistake, he could not remove the office objections. Law is settled that for the mistake of Advocate, the parties shall not suffer.

4. Considering the reasons stated in the application, it appears that delay is not deliberately

caused. Therefore, delay of 401 days is condoned, in the interest of justice.

5. Without cost, as the applicants are poor and agriculturists, application is allowed. Delay of 401 days is condoned.

6. The application is disposed of.

MCA ST. NO. 19482 OF 2024

7. This is an application for restoration of appeal, which was dismissed for non-removal of office objections.

8. Learned advocate for the applicant submits that he will pay remaining Court Fees within a week.

9. The application is allowed on condition that applicant shall deposit Court Fees within a week.

10. It is clarified that if the Court Fees is not deposited within a week, application shall be deemed to be dismissed.

11. The application is disposed of.

[SANJAY A. DESHMUKH, J.]