



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 2265 OF 2025
IN CAST/6630/2020**

Divyesh Prafullchandra Kapadiya

VERSUS

Pushpabai Kanhyalal Badsha (died) Lrs Vinod And Others

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Mr. A. S. Kulkarni h/f Mr. B. N. Magar, Advocate for Applicant

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CORAM : ROHIT W. JOSHI, J.

Dated : 28TH FEBRUARY, 2025

PER COURT :-

. Registration of Second Appeal Stamp No.38842 of 2018 was refused by order dated 07.08.2019 passed by the learned Registrar (Judicial) since the office objections were not removed within the stipulated period. As a consequence by this, Civil Application Stamp No.6630 of 2020 was filed challenging the said order along with a prayer for condonation of delay in filing the said application.

2. Unfortunately, Civil Application Stamp No.6630 of 2020 is also rejected vide order dated 22.09.2021 for the same reason that office objections in the said Civil Application were not removed. Now, therefore, the present Civil Application is filed challenging order dated 22.09.2021 passed by the

learned Registrar(Judicial) refusing registration of Civil Application Stamp No.6630 of 2020.

3. For the reasons mentioned in the application and also having regard to the settled legal principle that client should not suffer for the negligence of an Advocate or the Advocate's clerk, I am inclined to condone the delay and set aside the order dated 22.09.2021 passed by the learned Registrar (Judicial) and further direct registration of Civil Application Stamp No.6630 of 2020 subject to condition that all office objections in Civil Application Stamp No.6630 of 2020 are removed within a period of three weeks from today.

4. I am inclined to take up Civil Application Stamp No.6630 of 2020 for consideration today relying on the statement made by the learned advocate that office objections in the Said application will be removed within a period of two weeks from today. Civil Application stamp No.6630 of 2020 is **allowed**, order dated 07.08.2019 passed by the learned Registrar Judicial refusing registration of Second Appeal Stamp No.38842 of 2018 is set aside, subject to condition that all office objections in the Second Appeal are removed within a period of three weeks from today.

5. Office is directed to register the Second Appeal, subject to removal of office objections in the in the Second Appeal and in Civil Application Stamp No.6630 of 2020. The above indulgence is shown subject to the appellant depositing cost of Rs. 10000/- to the Bar Library - Advocate's Association of Bombay High Court Bench At Aurangabad. The amount be deposited within a period of two weeks from today. It is clarified that in the event, compliance with respect to office objection is not done within the stipulated period, the orders passed by the learned Registrar (Judicial) shall stand revived without further reference to the Court or the learned Registrar (Judicial).

6. Civil Applications are **disposed of**.

(ROHIT W. JOSHI, J)