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

**CIVIL APPLICATION NO. 1544 OF 2025
IN SAST/1193/2024
WITH
CIVIL APPLICATION NO. 1543 OF 2025
IN SAST/1193/2024**

**BALAJI VAIJANATH BAWGE
VERSUS
VAIJNATH SHIVLING BAWGE DIED THROUGH HIS
LEGAL HEIRS GANGADHAR VAIJANATH BAVGE**

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Shri Reddy Avinash Maheshkumar, Advocate for the Applicant.
Shri A.D. Gadekar, Advocate for Respondent Nos.2 to 4.

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CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 01st July, 2025

Per Court :-

1. This is an application for restoration of the Second Appeal by condoning delay of 294 days, which is dismissed on account of failure to remove office objections.

2. In response to the notice, learned advocate Shri Gadekar appears for respondent Nos.2, 3 and 4.

3. Heard learned advocate for the applicant/ appellant. He submits that office objections remained to be removed due to inadvertence of the clerk, who failed to mark the matter and the

matter remained unattended. He submits that office objection pertains to the supply of some legible pages. Now, the applicant is ready to remove all office objections within a period of two weeks.

4. He submits that there is delay of 294 days in filing the present application, which occurred because the applicant is presently residing in Pune and could not travel to Chhatrapati Sambhajinagar immediately. He, therefore, requests for condonation of delay of 294 days and for restoration of the Second Appeal by quashing the order dated 06.03.2024 passed by the learned Registrar (Judicial).

5. Perusal of the order dated 06.03.2024 shows that this Second Appeal along with other Second Appeals were listed for the fourth time for non removal of office objections. The order records that earlier two weeks time was granted from time to time and even by order dated 06.03.2024, two weeks conditional time was granted.

6. As such, it is clear that the applicant had sufficient time for removal of office objections. However, same were not removed. It has to be noted that even for filing the application for

restoration, there is delay of 294 days, for which general explanation is stated. Having regard to the averments in the Civil Application and the submissions advanced, only in the interest of justice, the restoration application needs to be allowed by condoning delay of 294 days, however, subject to costs of Rs.5000/- (Rupees Five Thousand) to be paid to respondent Nos.2, 3 and 4 through their advocate, within two weeks from today. The Civil Application is, accordingly, allowed. The applicant to remove all office objections within two weeks. Subject to above, the Second Appeal be restored.

kps

(PRAFULLA S. KHUBALKAR, J.)