



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

**936 CIVIL APPLICATION NO. 13601 OF 2024
IN FAST/31134/2019**

Dnyaneshwar Tukaram Mithe

....Applicant

VERSUS

Shrichand Bhura Rathod And Anr.

.....Respondents

.....

Mr. Syed Rahmet Ali, Advocate for Applicant

Mr. S. R. Bagal, Advocate for Respondent No.3 - Insurance
Company

.....

CORAM : NEERAJ P. DHOTE, J.

DATE : 17.04.2025

PER COURT :

1. This is an Application for condonation of 926 days delay in preferring this Application for re-calling the order passed by the learned Registrar [Judicial] of this Court, by which, the Registration of the Appeal preferred by the Applicant came to be rejected for want of removal of office objections.

2. This Court, by order dated 14/12/2024, issued notice to the Respondents.

3. The learned Advocate Mr. Bagal appears for Respondent No.3 - Insurance Company. None for Respondent Nos.1 and 2 though served.

4. The learned Advocate for the Applicant submits that, due to unavoidable circumstances, the Advocate could not note the office objections and therefore, he failed to remove the same, which resulted in passing of conditional order by the learned Registrar

[Judicial] of this Court and the registration of the Appeal came to be refused. He submits that, the Applicant will waive the interest for the said delayed period. He submits that, the Applicant shall not suffer for the mistake of Advocate and the Application be allowed.

5. The Application is opposed by the learned Advocate for Respondent No.3 – Insurance Company. He submits that, sufficient reasons are not made out in the Application and the same be rejected.

6. In view of the above and for the reasons mentioned in the Application, the aforesaid delay is condoned and the Application is allowed in terms of Prayer Clauses – ‘B’ and ‘C’. The Applicant shall not be entitled for the interest for the aforesaid delayed period. The copy of this order be kept in the order sheet of the Appeal Memo. Civil Application stands disposed off accordingly.

[NEERAJ P. DHOTE, J.]

Sameer/April-2025