IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.874 OF 2025
IN
SECOND APPEAL (STAMP) NO.21263 OF 2024

NANDKUMAR NARAYANRAO SHIVALKAR AND
ANOTHER
VERSUS
SANJU MARICHAND ALIAS MARCHAND UBALE
DIED THROUGH LEGAL HEIRS PALLAVI SANJU UBALE
AND OTHERS

...
Shri Pratap P. Mandlik, Advocate for the applicants.
...

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 01st July, 2025

Per Court :-

1. Not on the Board. Mentioned. Taken on the Production Board.

2. This is an application for restoration of the Second Appeal by condoning delay of 79 days.

3. As directed in the order dated 05.03.2025, the applicants have filed the pursis dated 01.07.2025 stating therein that the respondents are served.

4. Learned advocate Shri Mandlik for the applicants submits that after the Second Appeal was filed, office objections remained to be removed inadvertently since the clerk failed to mark the matter and even he was held up in another matter when the matter was taken up by the learned Registrar (Judicial). He submits that the applicants are now ready to remove all office objections so that the appeal could be registered. He submits that the Second Appeal needs to be heard on merits to avoid any injustice and hardship to the applicants/ appellants.

5. As regards delay, Shri Mandlik submits that the delay occurred since the applicants were not aware about the order dated 09.10.2024 and immediately after getting knowledge, the instant application is filed.

6. Having regard to the submissions advanced by the learned advocate and the reasons mentioned in paragraph Nos.4, 5 and 6 of the application, this Civil Application is allowed by condoning delay of 79 days, however, subject to costs of Rs.2500/- (Rupees Two Thousand Five Hundred) to be paid to the Bar Library of the Advocates' Association of Bombay High Court, Bench at Aurangabad, within a period of two weeks from

today. The order dated 09.10.2024 passed by the learned Registrar (Judicial) to the extent of the instant Second Appeal is quashed and set aside and the Second Appeal be registered to its original stage. The applicants/ appellants are directed to remove all office objections within two weeks from today.

7. Authenticated copy of this order be supplied to the applicants immediately.

kps **(PRAFULLA S. KHUBALKAR, J.)**