

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**INTERIM APPLICATION NO. 272 OF 2025.**

**IN**

**FIRST APPEAL (ST) NO. 14432 OF 2014.**

Nainuddin Aziz Khan Decease The Legal Heir Is ...Applicants.  
Already On Record I.E. Appellant No. 2 And Anr.

**Versus**

Union Of India Thr. The General Manager, Mumbai ...Respondent.

*Ms. Sushama Poyekar for the Applicant.*

**Coram : Sharmila U. Deshmukh, J.**

**Date : March 20, 2025.**

**P. C. :**

1. Interim Application has been preferred seeking recall of the order dated 22<sup>nd</sup> August, 2024 passed by the Registrar (Judicial-II) refusing registration of the First Appeal on account of non removal of office objections and for condonation of delay of 69 days caused in preferring the present Application.

2. Learned Counsel appearing for the Applicant submits that the advocate who was engaged by the Applicant did not take appropriate steps within time for the purpose of removing the office objection pursuant to which registration came to be refused. She submits that the same was not brought to the notice of the Applicant and subsequently when the advocate on record checked status of the

First Appeal, the fact of refusal of the registration came to the notice of the advocate on record and hence the present Application has been filed seeking recall of the order dated 22<sup>nd</sup> August, 2024.

**3.** It is specifically pleaded in the Application that due to default on part of office of the Advocate the objections could not be removed which has resulted in refusal of registration vide order dated 22<sup>nd</sup> August, 2024. For the default on part of the advocate on record, the litigant cannot be made to suffer. It was duty of the advocate to remove the office objections, which he has failed to do resulting in refusal of registration of the First Appeal.

**4.** For the reasons stated in the Application, the delay is condoned. The order of 22<sup>nd</sup> August, 2024 is recalled subject to removal of office objections within a period of two weeks from today.

**5.** In event, office objections are removed within a period of two weeks, the appeal to stand restored to file.

**[Sharmila U. Deshmukh, J.]**