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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 9265 OF 2025
IN
SECOND APPEAL NO. 808 OF 2022**

Kalawati w/o. Ghanshyam Dubal
Alias Salunkhe & Ors. ...Applicants
Versus
Sampat Dattatray Suryavanshi & Anr. ...Respondents

Mr. Suyash Sule i/b. Mr. Drupad Patil, Advocate for Applicants.
Mr. Kalpesh Patil, Advocate for Respondents.

CORAM : M.M. SATHAYE, J.

DATE : 27th JUNE, 2025

P.C. :

1. Heard learned counsel for the parties.
2. This is an Application for restoration of the Second Appeal which was dismissed for non removal of office objections under conditional order dated 12.09.2023. There is delay in filing the Application.
3. Learned counsel for the Respondents opposed the Application contending that sufficient cause is not made out.
4. Perusal of the concerned conditional order indicates that the Appeal was listed for four times earlier and finally two weeks time was granted to remove office objections, after earlier granting six weeks.

5. Considering the fact that the Appeal is dismissed for technical reason of non removal of office objections, the Appeal deserves to be restored and heard on merits. However, the same cannot be restored without putting the Applicants to terms. Hence, the **following order** is passed.

6. Subject to condition that within a period of four weeks from today, the Applicants pay costs of Rs.5,000/- to Respondent No.1 who will accept it on behalf of both the Respondents and subject to further condition of removal of all office objections within a period of four weeks from today, the conditional order dated 12.09.2023 is set aside and Second Appeal is restored.

7. The Interim Application is disposed of in above terms.

(M.M. SATHAYE, J.)