

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.12843 OF 2025
IN
FIRST APPEAL NO.2828 OF 2025

Sarjerao Gulabrao Aklade & Anr Applicants

V/s.

Mr.Anil Surendra Yadav & Anr. Respondents

Ms.Mansi Dande i/b Mr.Sarvesh Deshpande, for the Applicants.

CORAM : R.M. JOSHI, J.

DATE : 12th NOVEMBER 2025

P.C:-

. The learned counsel for the Applicant submits that, the First Appeal No.2828 of 2025 was filed in time. However, same came to be dismissed for non-removal of office objection.

2. It is her submission that, since, no notice was issued to the Respondents in the First Appeal, the notice under present Application be dispensed with.

3. It is her further submission that considering the reasons mentioned in the Application, it cannot be said that, the delay caused in seeking restoration of the First Appeal is

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inordinate and deliberate.

4. In view of the fact that, in the original proceedings the notice was issued to Respondents, this Courts finds it appropriate to dispense notice to the Respondent of this Application. Perusal of the Application indicates that the delay caused in making Application for restoration of the First Appeal is satisfactorily explained, no *mala fides* can be attributed the Applicant for not preferring the Application in time. The learned counsel for the Appellant/Applicant undertakes to remove Office Objection within a period of two weeks. The statement is accepted as an undertaking.

5. In view of this, the Application is allowed in terms of prayer Clause (a) and (b).

6. If objections are removed within a period of two weeks Appeal be registered. If objections are not removed within time this Application shall stand dismissed without reference to the Court.

(R.M. JOSHI, J.)