



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION (CAO) NO.1225/2023
AND
MISC. CIVIL APPLICATION ST. NO.12847/2023
IN
REJ. SECOND APPEAL NO.25/2018 (S.A. ST. NO.22099/2017)

Baliram S/o Tukaram Rode
...Versus...
Sau. Mohana w/o Ramdas Dhabale and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Ms Vishakha Madhwani, Advocate h/f Mr. D.H. Sharma, Advocate for applicant
Mr. Krishna Agrawal, Advocate for respondent

CORAM : ROHIT W. JOSHI, J.
DATE : 18/09/2025

1. On account of failure to remove office objections in Second Appeal St. No.22099/2017 the learned Registrar (Judicial) has vide order dated 23/11/2017 refused registration of second appeal.
2. Misc. Civil Application St. No.12847/2023 is filed challenging the said order passed by the learned Registrar (Judicial). Since there is a delay in filing the application for restoration, Civil Application (CAO) No.1225/2023 is filed seeking condonation of delay. There is a delay of around 1300 days in filing the restoration application. It is stated that the applicant was under bona fide impression that the appeal which was filed was pending for its adjudication and he was not aware about the fact that the registration of appeal was refused. It is stated that in the month of June, 2023 on enquiry

being made by the other Advocate, it is informed that the registration of appeal was refused vide the impugned order.

3. It is well settled that the litigant should not be made suffered for the mistake on the part of his Advocate or Advocate's clerk. In that view of the matter, the delay caused in filing the application deserves to be condoned. For the same reasons, Misc. Civil Application St. No.12847/2023 is allowed. Second appeal is restored to file. The appellant shall remove all office objections on or before 03/10/2025, failing which the second appeal shall stand dismissed without further reference to the Court.

4. The civil application as well as Misc. Civil Application stand disposed of accordingly. No order as to costs.

(ROHIT W. JOSHI, J.)

Wadkar