



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CIVIL APPLICATION (CAO) NO. 1210 OF 2024

IN

MCA ST. NO. 22096 OF 2023

IN

SECOND APPEAL ST. NO. 14184 OF 2022

PRAKASH S/O JAYWANTRAO DESHMUKH

Vrs.

STATE OF MAHARASHTRA AND OTHERS

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

Court's or Judge's Order

Shri Kulkarni, Advocate h/f Shri S. D. Chande, Advocate for
applicant/appellant.

Ms. D. I. Charlewar, AGP for respondent-State.

Shri U. M. Aurangabadkar, Advocate for respondent No.4.

CORAM: ROHIT W. JOSHI, J.

DATE : 20/11/2025.

1. Notice issued to the respondent No.4 is received back unserved with an endorsement that respondent No.4 has expired. The respondent No.4 is a Private Trust. The Trustee then representing the respondent No.4 has expired. The respondent No.4 has entered appearance in the matter through Mr.Sakharam Joshi, who is stated to be present Wahiwatdar of the Trust. Necessary correction be made in the cause title of the appeal and other applications.

2. The respondent No.4 be treated as served and the matter be proceeded accordingly.

3. Necessary amendment be carried out forthwith.

4. Registration of Second Appeal St.No.14184/2022 was refused vide order dated 13/10/2022 passed by the learned Registrar (Judicial) on account of failure on the part of

the appellant in removing the office objections within the period granted by the learned Registrar (Judicial) for the same. An application challenging the said order is filed by the applicant / appellant. There is delay of 349 days in filing the said application for which present application is filed seeking condonation of delay. It is stated that the office objections could not be removed due to inadvertence. It is obvious that inadvertence has to be attributed to the learned Advocate or the Registered Clerk and not to the applicant.

5. In view of the above, delay caused in filing MCA (Revision) St.No.22096/2023 is condoned, subject to payment of costs of Rs.3,000/- to Advocate's Bar Association at Risod. The costs be paid before 01/12/2025.

6. For the reasons mentioned above, MCA (Revision) St.No.22096/2023 is allowed.

7. The Second Appeal St. No.14184/2022 is restored to file, subject to condition that all office objections will be removed positively on or before 05/12/2025.

8. In the event, office objections are not removed within stipulated period, Second Appeal St. No.14184/2022 shall stand dismissed without further reference to the Court.

[ROHIT W. JOSHI, J.]