



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

CIVIL APPLICATION (CAO) NO.1138 OF 2025 AND 1137 OF
2025

IN

MISC. CIVIL APPLICATION ST. NO.21311 OF 2025

IN

MISC. CIVIL APPLICATION ST. NO.6224 OF 2023 (REJ)

IN

SECOND APPEAL ST. NO.1475 OF 2022 (REJ.)

Shantabai Namdeo Hatwar (died) thru. Usha and ors.

Vs.

Jairam S/o Maruti Patle and ors.

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

Court's or Judge's Order

Mr. N. R. Raut, Advocate for applicants.

Mr. A. M. Quazi, Advocate for non-applicants

CORAM : ROHIT W. JOSHI, J.

DATE : 29.01.2026.

. The applicant no.9 has expired. This is an application for bringing his legal representatives on record. Registration of Second Appeal is already refused on account of failure on the part of the appellants to remove office objections as directed by the learned Registrar (Judicial). Although delay is not properly explained, having regard to the fact that the appellants are prosecuting the present proceeding since the year 1982 i.e. when the civil suit was initially filed, this Court deems it fit to condone the delay caused to set aside the abatement and to permit the legal representatives of

deceased appellant/applicant No.1 to be brought on record.

2. Necessary amendment be carried out on or before **13.02.2026**.

3. Civil Applications are allowed and **disposed of**.

CIVIL APPLICATION (CAO) NO.1136 OF 2025 AND MISC. CIVIL APPLICATION ST. NO.21311 OF 2025 AND MISC. CIVIL APPLICATION ST. NO.6224 OF 2023 (REJ) IN SECOND APPEAL ST. NO.1475 OF 2022 (REJ.).

4. Registration of Second Appeal Stamp No.1475 of 2022 was refused on account of failure on the part of the appellants to remove office objections in compliance of order dated 21.04.2022 passed by the learned Registrar (Judicial). The said order is subjected to challenge in Misc. Civil Application St. No.6224 of 2023 registration of which came to be refused on account of failure on the part of the appellants to remove office objection in the said Misc. Civil Application as directed by the learned Registrar (Judicial) vide order dated 22.06.2023. The said office objection pertains to filing of an application for condonation of delay in Misc. Civil Application St. No.6224 of 2023. The appellants have filed Civil Application (CAO) No.1136 of 2025 for condonation of delay in filing Misc. Civil Application St. No.6224 of 2023.

5. The appellant is contesting the litigation since the year 1982. He has engaged advocate for prosecuting the

appeal. It is obvious that the appellant cannot be personally held responsible for non-removal of office objections. The mistake is on the part of the advocate and advocate's clerk. The appellant should not be penalized for the lapses on the part of his advocate and his clerk.

6. In view of the above, Civil Application (CAO) No.1136 of 2025 and Misc. Civil Application St. Nos.21311 of 2025 and 6224 of 2023 are **allowed**.

7. Office is directed to register the Second Appeal subject to condition that all office objections shall be removed positively on or before **13.02.2026**. In the event all office objections are not removed before the said date, Second Appeal shall stand dismissed without reference to the Court.

8. Having regard to the delay that is occasioned, cost of Rs. 10,000/- to be paid to the respondent. Amount be transmitted in the account of the respondent, details whereof shall be provided by the learned advocate for the respondent to the learned Advocate for the appellant. Cost be paid on or before **13.02.2026**.

9. Civil Application as well as Misc. Civil Applications are **disposed of**.

(ROHIT W. JOSHI, J.)

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