



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

Civil Application [CAO] No.182 of 2024
in
Civil Application [MCA] St. No.836 of 2024
in
First Appeal St.No.2357 of 2022 (D)

Madhukar Kisan Rathod (Dead) through L.Rs. & others
vs.
Sattar Khan Jabbar Khan and others

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

Mr. K.R. Bhise, Advocate for the Applicant/Appellant.

CORAM : **Y.G. KHOBRAGADE, J.**
DATE : **7th MAY, 2026.**

Heard the learned Counsel appearing for the applicant. Non-applicant Nos.1 and 2 are duly served by paper publication (substituted service) and non-applicant No.3 is duly served. Despite service of notice, none appeared on behalf of the non-applicants.

02. By the present application filed under Section 5 of the Limitation Act, 1963, the applicant seeks condonation of delay of 443 days caused while filing the application for restoration of First Appeal (Stamp) No.2357/2022, which came to be dismissed in default on 18/10/2022 due to non-removal of office objections.

03. For the reasons stated in the application, the delay of 443 days caused while filing the application for restoration of the first appeal is hereby condoned subject to payment of costs of Rs.5,000/- (Rupees Five Thousand Only) to be deposited in the "Public Welfare Account" on or before 12th June, 2026.

Civil Application [MCA] St. No.836/2024:

Heard.

02. For the reasons stated in the application, the order dated 04/10/2022 passed by the learned Registrar (Judicial) of this Court is hereby quashed and set aside. The appeal filed by the present applicant stands restored to the stage at which it was dismissed. The applicant shall remove all office objections on or before 12th June, 2026.

03. The application is accordingly allowed and disposed of.

JUDGE

**sandesh*