

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 225 OF 2015
IN
CIVIL REVISION APPLICATION (ST.) NO. 17065 OF 2014

Smt. Nirmala B. Kharsekar and ors. .. Applicants

vs.

Smt. Noorjaha A. Majid Sakharkar and ors. .. Respondents

Mr. Akhileshwar Sharma i/b Mr. Ashok Saraogi for the Applicants

CORAM : M. S. SONAK, J.

DATE : 10 JUNE 2015.

P.C. :-

1] By this application, the applicants seek recall of order dated 24 November 2014 by which Civil Revision Application came to be dismissed for non-removal of office objections despite grant of several opportunities. There is delay of 84 days in taking out this application.

2] If averments in the Civil Application are perused, it does appear that the applicants have not acted diligently in the matter of attending to the matter. Several opportunities were granted to effect service upon the respondents, however, no such service was effected or office objections was cleared. Nevertheless, rather than the applicants suffer a dismissal, the interests of justice would be met if

yet another opportunity is granted to the applicants, as and by way of a final opportunity. This shall of course be subject to the applicants paying some reasonable costs in the matter.

3] Accordingly, the delay in taking out this application is condoned. The order dated 24 November 2014 is recalled and the Civil Revision Application is restored to the file. The applicants to effect service and clear the office objections on or before 13 July 2015, failing which the Revision Application shall stand dismissed for non-prosecution without any further reference to this Court. In addition, on or before 13 July 2015, the applicants to deposit costs of Rs.5000/- (Rs. Five Thousand only) in this Court. Upon deposit of such costs, the respondents shall be at liberty to withdraw the same unconditionally.

4] Civil Application is disposed of in the aforesaid terms.

(M. S. SONAK, J.)