

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1907 OF 2016
IN
WRIT PETITION (ST.) NO. 10714 OF 2014

Shri Deepak Ramesh Lalwani. ... Applicant.
V/s.
Divisional Joint Registrar,
Cooperative Societies and others. ... Respondents.

Chetan G. Patil for the applicant.
S.D.Rayrikar, AGP for respondent Nos.1 and 2.

CORAM : D.H.WAGHELA, C.J.

DATE : 29th July 2016.

P.C. :

The application is made for restoration of the original writ petition which was only registered as Stamp No.10714/2014 and stood dismissed by an order dated 8th March 2016 of the Registrar (Judicial-I) on account of non-removal of the office objections within the time limit of four weeks granted by the said order. Neither any plausible reason or justification is emerging from the application for not removing the office objections in time nor there is any satisfactory explanation for 59 days delay in preferring the present application. Therefore, the application is liable to be

dismissed. However, learned counsel for the applicant vehemently argued that the petitioner is raising an important and legal issue in the main petition which needs to be decided on merits and the petitioner may suffer irreparable loss on account of negligence or the admitted negligence of his advocate in pursuing the matter before this Court. Learned counsel submitted that the application may be allowed after imposing appropriate amount of costs which learned counsel himself would bear.

2. Learned A.G.P appearing for respondent Nos.1 and 2 having no objection, the application is allowed. The delay is condoned and the original petition being Writ Petition (St.) No.10714/2014 is ordered to be restored to the file for removing all office objections on or before 30th August 2016 on a condition that in the meantime learned counsel shall pay to the Maharashtra State Legal Services Authority a sum of Rs.7,500/- by way of costs. Upon production of proof of payment of costs as aforesaid and removal of office objections on or before 30th August 2016, the original petition shall stand restored and in case of failure to do either, this order shall not operate and the petition shall stand dismissed in terms of the original order dated 8th March 2016.

CHIEF JUSTICE