

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2107/2016
WITH
CIVIL APPLICATION NO.2105/2016
IN
REJECTED CASE NO.257/2016
IN
WRIT PETITION (ST) NO.32669/2014

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. V. S. Tadke i/b. D. D. Shinde for the applicant

CORAM : K. K. TATED, J.

DATE : AUGUST 4, 2016

P.C.:

1. Mentioned. Not on board. At the request of learned counsel for the applicant, the matters are taken on board for urgent orders.

2. By the Civil Application No.2107/2016, the applicant is seeking to condone the delay in making the application for restoration of the Writ Petition which was dismissed in view of conditional order dated 15.12.2015 passed by the learned Registrar (Judicial-I) for non removal of office objections.

3. The applicant in paragraph Nos.2 and 3 of the Civil Application explained the delay in making the application which read thus:

*“2. The applicants state that there was an objection regarding xerox copies of some of the documents annexed by applicants to the petition and on 15.12.2015 the learned Registrar has passed conditional order thereby granting four weeks time for removing objections as the said conditional order was not complied the above writ petition came to be dismissed. Hereto annexed and marked as **Exhibit-A** is the copy of the order dated 15.12.2015.*

3. The applicants state that they have very good case on merits and if the Writ Petition is not restored they will suffer grave and irreparable loss which cannot be compensated in terms of money on the contrary if this civil application is allowed and Writ Petition is restored respondents will not suffer any loss. Balance of convenience lies in favour of applicants.”

4. It is to be noted that the Writ Petition appeared before the Registrar for removal of office objections on 27.10.2015, 24.11.2015, 15.12.2015. On those dates, none appeared on behalf of the applicant before the Registrar. The learned Registrar passed conditional order dated 15.12.2015 for removal of office objections. There is no explanation in the present application, as to why the applicant failed to remove office objections

for more than one year. Though the conditional order was passed on 16.12.2015, the applicant filed the civil application on 29.07.2016. There is no explanation for delay of more than 10 months in moving the civil application.

5. Considering the above mentioned facts, I do not find any substance in the civil application.

6. Same stands rejected.

7. Consequently, the pending civil application, if any, stands dismissed as infructuous.

JUDGE