

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION
CIVIL APPLICATION NO.478 OF 2016**

in

APPEAL FROM ORDER (ST) NO.26546 of 2014

Swati Mahesh Methe Applicant

vs

Balasaheb Rangnath Patil (Katad) & ors Respondents

Ms.Monali Patil I/b Mr.Nitin Mulye for Applicant

None for Respondents

CORAM: G.S.KULKARNI, J

DATE: 2ND MAY, 2016

P.C.

Not on Board. Taken on Board.

1. A praecipe has been moved on behalf of the applicant.

Prayers in the Civil application are as follows :

“(a) the delay of about 144 days in filing the present Civil Application be condoned;

(b) the conditional order dated 8.4.2015 passed in Appeal from order (St) No.26546 of 2014 be set aside and permission be granted to the applicants to remove office objections.”

2. Considering the prayers, it is very clear that there is no urgency in the matter in as much as this Appeal was rejected by an order passed by the Registrar (Judicial-II) on 8th April, 2015 and there is also a delay of about 144 days in filing the present appeal.

This Civil application would have been listed as per CIMS nonetheless as a grievance as made that the Civil application was not listed, production of the same is sought for. Learned advocate for the applicant also agrees that there is no urgency in these kind of matters and therefore moving of this matter for production is completely contrary to the Note displayed on the Board that production of papers is permissible and would be granted only in cases of extreme urgency. Despite these clear instructions, the matter is taken on the production board and not only time of the office but, judicial time is required to be spent on this matter leaving aside very urgent cases. It may thus be not appropriate, that the Civil Application be again listed on the returnable date as this effort of listing the matter is not wasted.

3. Having taking into consideration the averments made in the Civil Application, the delay of 144 days deserves to be condoned more particularly when the matter is at the admission stage and it was rejected by an order dated 8th April, 2015 as the only objection

that the certified copy of the impugned order was not placed on record remained to be complied. It is thus in the interest of justice that order dated 8th April, 2015 passed in Appeal from Order (Stamp) No.26546 of 2014 is set aside and permission is granted to the advocate to remove office objections. Office objections shall be removed within a period of two weeks from today failing which the Appeal shall be dismissed without reference to the Court.

4. In view of the observations which are made above, it would be appropriate if the applicant is saddled with costs of Rs.7500/- to be paid to Maharashtra Legal Services Authority within two weeks from today and a failure to pay the costs would entail automatic vacating of this order and dismissal of the Appeal from order without further reference to the Court.

5. All parties to act on an authenticated copy of the order.

G.S.KULKARNI, J

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