

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.503 OF 2016**

**IN**

**R. C. NO.1316 OF 2015**

**IN**

**CIVIL WRIT PETITION (STAMP) NO.727 OF 2015**

**G. N. Automotive Pvt. Ltd.**

**.. Applicant**

**IN THE MATTER OF**

**G. N. Automotive Pvt. Ltd.**

**.. Petitioner**

**Versus**

**M/s. Mohatta Brothers Property Co.**

**.. Respondent**

**Ms. Ambrin Khan i/by Mr. O. K. Shaikh, for the Applicant.**

**Mrs. Sunita M. Poddar, for the Respondent.**

**CORAM : R.M. SAVANT, J.**

**DATE : 26<sup>th</sup> FEBRUARY 2016**

**PC.**

1. The above Civil Application has been filed for restoration of the above Writ Petition which has stood dismissed for non-prosecution on account of the conditional order dated 01.10.2015 passed by the Learned Registrar, Judicial-I, of this Court. By the said order dated 01.10.2015, four weeks time was granted to remove the office objections, failing which the Writ Petition was to stand dismissed. On default being committed, the

Petition stood dismissed on account of the conditional order. It is the contention of the Learned Counsel that the office objections have been removed on 22.09.2015 and endorsement to the said effect has been made by the Learned Advocate for the Petitioner on the same date itself on the presentation form. The conditional order passed is post 22.09.2015. The Learned Counsel appearing on behalf of the Respondent Mrs. Sunita M. Poddar objects to the restoration of the above Writ Petition. Since the Writ Petition has stood dismissed on account of a technical reason, namely non-removal of office objections, one indulgence is required to be shown to the Petitioner especially in view of the fact that it is the case of the Petitioner that the office objections are removed on 22.09.2015. Hence, as and by way of final opportunity two weeks time is granted to the Petitioner to remove office objections if any. Resultantly, the dismissal of the Writ Petition vide the said conditional order is set aside, the Petition is accordingly restored to file. If the office objections are not removed within two weeks from date i.e. on or before 11.03.2016, the Petition would stand dismissed for non-prosecution without further reference to the Court.

**[R.M. SAVANT, J]**