

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO. 686 OF 2016
IN
CENTRAL EXCISE APPEAL NO. 43 OF 2015**

The Commissioner of Central Excise	.. Applicant
In the matter between	
The Commissioner of Central Excise	.. Appellant
v/s.	
M/s. Mukand Ltd.	.. Respondent

Mr. Y.S. Bhate i/b Kirankumar Phakade for the applicant
None for the respondent

**CORAM : M.S. SANKLECHA &
A.M. BADAR, J.J.**

DATED : 29th APRIL, 2016.

PC.

1. None appears on behalf of the respondent despite service.
2. This motion has been taken out to set aside the order dated 23rd April, 2015 passed by the Prothonotary and Senior Master rejecting the applicant's appeal under Rule 986 of the Bombay High Court (O.S.) Rules. The appeal was rejected for having failed to remove the office objections within two weeks of disposal of the Notice of Motion for condonation of delay.

3. We have perused the affidavit-in-support of the notice of motion. We find that the applicant's notice of motion for condonation of delay was allowed by an order dated 4th December, 2015 by this Court. The office objections had to be removed within two weeks from 4th December, 2015.

4. The affidavit records the fact that the family member (Aunt) of the advocate who was dependent upon him was not well and he had to visit his native place in middle of December, 2015. It also records the fact that the Aunt of the advocate unfortunately passed away on 27th January, 2016. It is in the above circumstances that the advocate for the applicant lost sight of his obligation to remove the objections in the appeal filed within two weeks from 4th December, 2015 (the date on which the Notice of Motion was allowed).

5. We are satisfied with the above reasons set out in support of the notice of motion. Accordingly, Notice of Motion is allowed in terms of prayer clause (A).

(A.M. BADAR, J.)

(M.S. SANKLECHA, J.)