

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

**CIVIL APPLICATION NO. 684 OF 2017
IN
REJECTED CASE NO. 1191 OF 2016**

Reliance Infratel Ltd. & Ors. ..Vs.. Pune Municipal Corporation & Ors.

Office Notes, Office Memorandum of appearances, Court's orders or directions & Registrar's orders.	Court's or Judge's orders
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Mr. Kirankumar J. Phakade for Applicants.

CORAM : K. K. TATED, J.
DATE : AUGUST 01, 2017.

P.C. :

. Heard learned Counsel for Applicants.

2. This application is preferred by the Applicants for restoration of Writ Petition (St) No. 12235 of 2014 which stand dismissed in view of conditional order dated 4th April, 2016 passed by the Registrar (Judicial-I) for non removal of office objection.

3. The learned Counsel for Applicants submit that inadvertently it remained on their part to remove the office objections within the stipulated time.

4. In support of this contention, the learned Counsel for Applicants relies on paragraph 2 of the Civil Application. He submits that in the interest of justice, this Hon'ble Court be pleased to condone the delay in filing Civil Application and restore the Writ Petition on file for hearing on its own merits.

5. The learned Counsel for Applicants submit that Applicants have undertake to remove all office objections within four weeks from today.

6. It is to be noted that matter was on board before the learned Registrar (Judicial-I) on 18th February, 2016 and 11th March, 2016 . On those dates no one appeared on behalf of Applicants. Hence, the matter was posted for 4th April, 2016. On that date also no one appeared on behalf of Applicants. Hence, the Registrar (Judicial-) has passed the conditional order.

7. Considering the submission made by the learned Counsel for Applicants and the reasons disclosed in the paragraph 2 of the Civil Application and for the mistake on the part of the Advocate, litigant should not be suffered, I am satisfied that Applicants have made out the case for allowing the Civil

Application. At the same time they have to pay the costs of Rs. 5000/-. Hence, the following order.

ORDER

(a) Order dated 4th April, 2016 passed by the Registrar (Judicial-I) is set aside.

(b) Writ Petition (St) No. 12235 of 2014 is restored on file for hearing on its own merits.

(c) Applicants to remove all office objections within four weeks from today, failing which, Writ Petition shall stand dismissed without reference back to the Court

(d) Applicants to pay the costs of Rs. 5000/-.

(e) The costs to be deposited in the office of Kirtikar Library, High Court, Mumbai within two weeks from today, failing which, Civil Application shall stand dismissed without reference back to the Court.

(f) Civil Application stand disposed of accordingly.

(K.K.TATED, J.)