

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

**CIVIL APPLICATION NO.947 OF 2017
IN
WRIT PETITION NO.13588 OF 2016**

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.S.A.Rajeshirke for the applicant

**CORAM : K. K. TATED, J.
DATE : MAY 5, 2017**

P.C.:

- 1 Heard the learned counsel for the applicant.
- 2 This application is for restoration of Writ Petition No.13588 of 2016 which stand dismissed for non-removal of office objections in view of conditional order dated 8.12.2016 passed by this court.
- 3 The learned counsel for the applicant submits that because of mistake on the part of his clerk, it remained on his part to remove office objections. To that effect, application relies on paragraph 4 of Civil Application which reads thus:

“4. The Applicant further stated that the advocate for the Applicant had given brief to the clerk to remove office and in the mean time there was a Christmas vacation for the court. The Applicant further states that

thereafter the advocate for the petitioner received a message from the department on cell phone that the aforesaid Writ Petition is dismissed.”

4 Considering the submissions made by the learned counsel for the Applicant and the reasons disclosed in Civil Application particularly paragraph 4, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. At the same time they have to pay cost of Rs.2000/-. Cost to be deposited in the office of Kirtikar Law Library. Hence, following order:

- a) Civil Application is allowed.
- b) Order passed by this court on 8.12.2016 is recalled to the extent of conditional order for removal of office objections.
- c) Applicant is permitted to remove all office objections on or before 6.6.2017, failing which Civil Application shall stand dismissed without referring back to the court.
- d) Applicant to pay cost of Rs.2000/-.
- e) Cost to be deposited in the office of the Kirtikar Law Library, High Court, Bombay on or before 6.6.2017 and place on record receipt to that effect.
- f) Civil application stands disposed off accordingly.

(K.K.TATED, J.)