

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 120 OF 2016
IN
REJECTED CASE NO. 149 OF 2016
IN
REJECTED CASE NO. 148 OF 2016**

Pralhad Shankarrao Tejale & Ors. ..Vs.. The State of Maharashtra & Anr.

Office Notes, Office Memorandum of appearances, Court's orders or directions & Registrar's orders.	Court's or Judge's orders
--	---------------------------

Mr. Shivaji Patil I/by. Deeplakshmi S. Matwankar for Applicants.

**CORAM : K. K. TATED, J.
DATE : JULY 18, 2017.**

P.C. :

. Heard learned Counsel Mr. Patil for Applicants.

2. This application is for setting aside the order dated 19th October, 2015 passed by the learned Registrar (Judicial-I) by which the Review Petition (St) No. 3330 of 2015 stand dismissed for non removal of office objections.

3. The learned Counsel for Applicants submit that Applicants were under the impression that the above matter was pending

before this Court for hearing. He submit that Applicants recently came to know that Review Petition stand dismissed in view of the order dated 19/10/2015 passed by the learned Registrar (Judicial-I) for non removal of office objections.

4. The learned Counsel for Applicants submit that there is a delay of two months in filing the Civil Application. He submit that the delay caused in preferring present Civil Application is neither intentional nor deliberate. Hence, delay should be condoned in the interest of justice.

5. The learned Counsel for Applicants submit that Applicants have very good chance on merits. Hence, delay be condoned and matter be heard on its own merits. He submit that if Civil Application is not allowed, irreparable loss will be caused to the Applicants.

6. I heard learned Counsel for Applicants at length.

7. In the present proceeding initially the order was passed by this Court (Coram : B.P.Dharmadhikari, J.) on 27th November, 2012 disposing off the Writ Petition after hearing both the sides. Against the said order Petitioners have preferred Letter Patent

Appeal No. 33 of 2013. Same was withdrawn by the Applicants on 24th March, 2014 with liberty from the Division Bench of this Court to file appropriate application. Pursuant to the said liberty, Applicants have filed Review Petition on 17th April, 2014. As there was delay in filing Review Petition, Applicants have preferred Civil Application (St) No. 3331 of 2015 for condonation of 1 year and 5 months delay in filing the Review Petition.

8. In Review Petition, office raised objections on 14th July, 2015. On 1st June, 2015 as the Applicants failed to remove all office objections, Section Officer made noting that all office objections are not removed on 14th July, 2015. Thereafter the matter appeared before the learned Registrar (Judicial-I) on 15th July, 2015, 19th August, 2015, 21st September, 2015 and 19th October, 2015. No one appeared on behalf of Applicants before the Registrar (Judicial-I) for removal of office objections. Hence, the Registrar (Judicial-I) passed conditional order on 19th October, 2015 granting four weeks time to remove all office objections, failing which, matter will stand rejected.

9. After passing the order, the learned Counsel for Applicants appeared before the

learned Registrar (Judicial-I) on that date. Having knowledge about the order dated 19th October, 2015, Applicants preferred the present Civil Application on 29th January, 2016 and made prayer for condonation of two months delay in filing present Civil Application.

10. Bare reading of the Civil Application shows that Applicants have not shown sufficient cause for condonation of delay in filing Civil Application as well as removing all office objections in Review Petition.

11. Apart from that, present Civil Application is affirmed by the Advocate and not by the Applicants.

12. As the Applicants failed to disclose the sufficient cause for delay, I am of the opinion that Applicants have not made out any case for allowing the Civil Application.

13. Hence, Civil Application stand rejected.

(K.K.TATED, J.)