

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

**CIVIL APPLICATION NO. 1868 OF 2017
IN
REJECTED CASE NO. 960 OF 2017
IN
SECOND APPEAL (ST) NO. 23748 OF 2016**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Prothonotary's orders	Court's or Judge's orders
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Mr. P. N. Joshi for Applicant.

**CORAM : K. K. TATED, J.
DATE : DECEMBER 19, 2017**

P.C.:

1. Heard learned Counsel Mr. Joshi for Applicant.

2. This application is for setting aside the conditional order dated 31st January, 2017 passed by the learned Registrar (Judl-II) by which Second Appeal (St) No. 23748 of 2016 stand dismissed for non removal of office objections.

3. The learned Counsel for Applicant submits that because of the mistake on the part of the Advocate litigant should not suffer. He submits that it remained on the part of the Advocate to remove all office objections within stipulated time. He submits that Applicant undertakes to remove all office objections on or before 19th January, 2018.

4. Considering the submission made by the learned Counsel for Applicant and the averments made in Civil Application and because of the mistake on the part of Advocate litigant should not suffer, I am satisfied that Applicant has made out a case for allowing the Civil Application. Hence, the following order.

ORDER

(A) Conditional order dated 31st January, 2017 passed by the learned Registrar (Judl-II) is set aside.

(B) Second Appeal (St) No. 23748 of 2016 is restored on file for hearing on its own merits.

(C) Applicant is directed to remove all office objections on or before 19th January, 2018, failing which, Civil Application shall stand dismissed without reference back to the Court.

(D) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)