

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

**CIVIL APPLICATION NO.1711 OF 2017  
IN  
WRIT PETITION (ST) NO.3514 OF 2016**

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| 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.Akhil Kupade i/b M/s.Manoj Harit and Co. for the applicant

**CORAM : K. K. TATED, J.  
DATE : JULY 31, 2017**

**P.C.:**

1 Heard the learned counsel for the applicant.

2 This application is for restoration of Writ Petition (ST) No.3514 of 2016 which stand dismissed in view of conditional order dated 16.11.2016 passed by learned Registrar (Judicial-I) for non-removal of office objections.

3 The learned counsel for the applicant submits that the matter was assigned to Junior Advocate for hearing on 15.11.2016. He submits that due to inadvertence Junior Advocate failed to appear before the learned Registrar on 15.11.2016. To that effect, advocate for the applicant has made averments in paragraph 5 and 6 of Civil Application. He submits that in the interest of Justice, this Hon'ble Court be pleased to allow the

present Civil Application.

5 It is to be noted that in the present proceedings, matter appeared before the learned Registrar on 26.9.2016, 18.10.2016 and 16.11.2016. No one appeared on behalf of applicant when the matter was called out. Hence, learned Registrar (Judicial-I) passed order on 16.11.2016 granting four weeks time to remove office objections.

6 The reason given by the applicant in paragraph 4 and 5 is not relevant. In paragraph 4 applicant has stated that matter was on board on 15.11.2016 and at that time, Junior Advocate failed to remain present when the matter was called out. Actually the matter was not on board on 15.11.2016 and same was on board on 16.11.2016. There is no satisfactory explanation in the Civil Application.

7 Considering the mistake on the part of advocate, applicant should not suffer. Hence, in the interest of Justice, four weeks time is granted to remove office objections as a last chance on payment of cost of Rs.12,500/-. Hence, following order is passed:

- a) Order dated 15.11.2016 passed by Registrar (Judicial-I) is set aside.
- b) Writ Petition (ST) No.3514 of 2016 is restored on file.
- c) The applicant is directed to remove all office

objections within four weeks, failing which the Writ Petition shall stand dismissed without further reference to the court.

d) Applicant to pay cost of Rs.12,500/-.

e) Cost to be deposited in the office of the Kirtikar Law Library, High Court, Bombay, within two weeks from today, failing which the matter shall stand dismissed without further reference to the court.

f) Civil application stands disposed of accordingly.

**(K.K.TATED, J.)**