

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1407 OF 2017
IN
WRIT PETITION (STAMP) NO.22874 OF 2015

Shri. Shankar Hari Patil
Since deceased through legal representatives
Pratap Shankar Patil & Ors.Applicants
Vs.
Shri. Krishnaji Mahadev Gosavi & Ors.Respondents

Mr. Kuldeep U. Nikam for the applicants.

CORAM : K.K. TATED, J.

DATE : 12th July, 2017

P.C. :

1. Heard the learned counsel for the applicants.
2. This application is for restoration of Writ Petition (Stamp) No.22874 of 2015, which stands dismissed in view of conditional order dated 01.04.2016 passed by the learned Registrar (Judicial-I) for non-removal of office objection.
3. The learned counsel for the applicants submits that objection has been raised by the office for illegible xerox copies of documents. He submits that as soon as he learnt the office objection, he immediately called upon the applicants to provide illegible copies. He submits that the applicants are from Sangli, hence, there was delay on their part to remove the office objection. In support of his contentions, the learned counsel for the applicants replies on paras 2, 3 and 4 of the civil application. He

submits that in the interest of justice, this Hon'ble Court be pleased to set aside the conditional order dated 01.04.2016 and allow the applicants to remove all office objections. He further submits that the applicants undertake to remove all office objections within two week's from today. He submits that if the civil application is not allowed, an irreparable loss would be caused to the applicants.

4. It is to be noted that in the present proceedings, the Registry raised objection on 11.01.2016. Thereafter, the matter was listed before the learned Registrar (Judicial-I) on 17.02.2016, 10.03.2016 and 01.04.2016. As no one appeared on behalf of the applicants before the learned Registrar (Judicial-I), the conditional order was passed on 01.04.2016. Though the conditional order was passed on 01.04.2016 granting four weeks' time to the applicants to remove office objections, they failed and neglected to do so. Thereafter, the present civil application was filed on 20.09.2016 i.e. after more than five months.

5. Considering the submissions made by the learned counsel for the applicants and the averments made in paras 2, 3 and 4 of the civil application, I am satisfied that because of mistake on the part of the advocate for the applicant, the litigants should not suffer, but at the same time they will have to pay for the negligence. Hence, the following order.

ORDER

- (i) Order dated 01.04.2016 passed by the Registrar (Judicial-I) in Writ Petition (Stamp) No.22874 of 2015 is set aside.
- (ii) Four weeks' time is granted to the applicants to remove all office objections in Writ Petition (Stamp) No.22874 of 2015, failing which the civil application shall stand dismissed without

referring back to the Court.

(iii) The applicants to pay costs of Rs.6,000/-.

(iv) Costs to be deposited in the office of “Kirtikar Law Library” within three week's from today and place on record receipt to that effect, failing which the civil application shall stand dismissed without referring back to the Court.

(v) Civil Application stands disposed of accordingly.

(K.K. TATED, J.)