

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

**CIVIL APPLICATION NO. 1803 OF 2017
IN
REJECTED CLAIM NO. 375 OF 2016
IN
SECOND APPEAL (ST) NO. 21037 OF 2015**

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. Abhijeet Adgule I/by. S. R. Ganbavale for Applicant.

**CORAM : K. K. TATED, J.
DATE : DECEMBER 14, 2017**

P.C.:

. Heard learned Counsel Mr. Adgule for Applicant.

2. This Application is for setting aside the conditional order dated 12th October, 2015 passed by the learned Registrar (Judl-II). By the impugned order, the learned Registrar (Judl-II) has directed the Applicant to remove all office objections within four weeks, failing which, Second Appeal shall stand rejected. In spite of that, Applicant failed and neglected to remove all office objections.

3. The learned Counsel for Applicant submits that it remained on the part of his Clerk Mr. Sandeep Pawar to remove all office objections.

Hence, Second Appeal stand dismissed. He submits that because of the mistake on the part of the Advocate's Clerk Applicant should not suffer. He submits that in the interest of justice, this Hon'ble Court be pleased to allow the Civil Application and restore the Second Appeal as well as Civil Application on file. He submits that Applicant undertakes to remove all office objections. Applicant is ready and willing to pay costs of Rs. 25,000/-. To that effect, learned Counsel for Applicant has given in writing that Applicant is ready and willing to pay costs of Rs. 25,000/-. Said writing is taken on record and marked as "X" for identification.

4. It is to be noted that in the present proceedings, matter was appeared before the Registrar (Judl-II) on 31st August, 2015, 29th September, 2015 and 12th October, 2015. On those dates no one appeared on behalf of Applicant. In spite of that, the learned Registrar (Judl-II) has given time to remove all office objections.

5. Considering the submission made by the learned Counsel for Applicant and as the Applicant is ready and willing to pay costs and also ready to remove all office objections within stipulated time, in the interest of justice I am of the opinion that Civil Application is required to be allowed. Hence, the following order.

ORDER

(A) Order dated 12th October, 2015 passed by the learned Registrar (Judl-II) in Second Appeal (St) No. 21037 of 2015 and Civil Application (St) No. 29015 of 2017 is set aside.

(B) Second Appeal and Civil Application are restored on file for hearing on its own merits.

(C) Applicant to remove all office objections in Second Appeal as well as Civil Application on or before 12th January, 2018, failing which, Second Appeal shall stand dismissed without reference back to the Court.

(D) Applicant to pay costs of Rs. 25,000/- on or before 6th January, 2018.

(E) Costs to be deposited in the office of Kirtikar Library, High Court, Bombay.

(F) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)