

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

**CIVIL APPLICATION NO.826 OF 2017
IN
WRIT PETITION (ST). NO.13262 OF 2016**

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.Swapnil S. Mohite for the applicant

**CORAM : K. K. TATED, J.
DATE : JUNE 13, 2017**

P.C.:

- 1 Heard the learned counsel for the parties.
- 2 This application is preferred by petitioner for setting aside the conditional order dated 17.11.2016 passed by Registrar (Judicial-I) by which the Writ Petition stand dismissed for non-removal of office objections.
- 3 The learned counsel for the applicant submits that by oversight it remained on their part to remove office objections. He submits that petitioner undertakes to remove all office objections within one week from today. He submits that in the interest of Justice, this Hon'ble Court be pleased to set aside the order dated 17.11.2016 passed by learned Registrar (Judicial-I) and restore the matter on board for hearing on its

own merits. He submits that if Civil Application is not allowed, irreparable loss will be caused to the applicant.

4 I have heard the learned counsel for the applicant at length. It is to be noted that in the present proceedings, Registry has raised objection on 19.9.2016. As the applicant failed to remove office objections, matter was listed on board before learned Registrar on 3.10.2016, 25.10.2016 and 17.11.2016. At that time, no one appeared on behalf of applicant before the learned Registrar (Judicial-I).

5 As no one appeared on behalf of applicant, the learned Registrar (Judicial-I) passed conditional order dated 17.11.2016. This itself shows that applicant failed and neglected to take appropriate steps in the present proceedings.

6 Considering the submission made by the learned counsel for the applicant and the averments made in Civil Application, in the interest of justice, I am satisfied that the applicant may be granted some time to remove office objections on payment of cost.

7 Applicant to pay cost of Rs.5,000/-. Cost to be deposited in the office of the Kirtikar Law Library, High Court, Bombay, within two weeks from today and file receipt to that effect, failing which the matter shall stand dismissed without further reference to the court. Hence, following

order is passed:

- a) Order dated 17.11.2016 passed by learned Registrar (Judicial-I) is set aside.
- b) Four weeks time is granted from today to the applicant to remove all office objections failing which Writ Petition No.13262 of 2016 shall stand dismissed without referring back to the court.
- c) Applicant to pay cost of Rs.5,000/-. Cost to be deposited in the office of the Kirtikar Law Library, High Court, Bombay, within two weeks from today and file receipt to that effect, failing which the matter shall stand dismissed without further reference to the court.
- d) Civil application stands disposed of accordingly.

(K.K.TATED, J.)