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FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1198 OF 2017
IN
CUSTOM APPEAL NO.119 OF 2015

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.Vinit Dubey i/b Mr.C.Subba Reddy & Co. for the Applicant

Mr.Swapnil Bangur for the Respondent.

CORAM : A.S.OKA, &
RIYAZ I. CHAGLA,JJ.

DATE : SEPTEMBER 18, 2017

P.C.

1 Heard the learned counsel for the applicant and the learned counsel for the respondent. Appeal preferred by the applicant was dismissed by the learned Prothonotary and Senior Master in exercise of power under Rule 986 of the Bombay High Court Original Side Rules on account of failure to remove office objections in the appeal. Explanation for not removing office objections has been set out in the affidavit filed by the Advocate representing the applicant.

2 In view of the assertions in the said affidavit, a case for restoration is made out. Accordingly, Notice of Motion is disposed of by passing the following order :

(I) The order dated 31st March 2016 passed by the Prothonotary and Senior Master shall stand set aside subject to condition of the applicant removing of all office objections within a period of one month from today;

(II) On the failure of the applicant to remove office objections within stipulated period, the appeal shall stand dismissed for non prosecution;

(III) If compliance is made within stipulated period, the appeal shall be placed for admission on the date fixed as per C.M.I.S.

(RIYAZ I. CHAGLA,J.)

(A.S.OKA,J.)