

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

NOTICE OF MOTION NO.28 OF 2017
IN
WRIT PETITION (L) NO.3590 OF 2015

Office Notes, Office Memorandum - Coram, Appearances, court's orders or directions and Prothonotary's orders	Court's or Judge's orders
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Mr.Neil Helekar a/w Mr.Sanjay Gawde i/b Mr.P.C.Pawaskar for the applicant

Mr.R.A.Shaikh for the respondent

CORAM : K. K. TATED, J.
DATE : FEBRUARY 1, 2017

P.C.:

1 Not on board. At the request of Advocate for the applicant, matter is taken on board for urgent orders.

2 Heard the learned counsel for the parties.

3 By this Notice of Motion, applicant is seeking to set aside conditional order dated 23.2.2016 passed by Prothonotary & Senior Master by which the Writ Petition stands dismissed for non-removal of office objections within stipulated time.

4 Considering the submissions made by the learned counsel for the Applicant and the averments made in affidavit in support of Notice of

Motion, I am satisfied that the Applicant has made out a case for allowing the present Notice of Motion subject to payment of cost of Rs.3,500/- to the respondent or their advocate or to deposit in the Registry within two weeks from today. Hence, following order is passed:

- a) The order dated 23.2.2016 passed by Prothonotary and Senior Master is set aside.
- b) Two weeks time is granted to the applicant to remove all office objections and get the same numbered, failing which Notice of Motion shall stand dismissed without referring back to the court.
- c) Applicant to pay cost of Rs.3,500/- to the respondent or their advocate or to deposit in the Registry of this court within two weeks from today, failing which Notice of Motion shall stand dismissed without referring back to the court.
- d) If amount is deposited in the Registry of this court within stipulated time as stated hereinabove, respondent is entitled to withdraw the same without furnishing any security.
- e) All contentions of both the parties are kept open.
- f) Notice of Motion stands disposed of accordingly.

JUDGE