

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.942 OF 2018

IN

FIRST APPEAL (st) NO. 14168 OF 2017

M/s Atlanta Ltd ..Applicant

IN THE MATTER BETWEEN

M/s Atlanta Ltd ..Appellant

Vs.

Pune Municipal Corporation and Others ..Respondents

Ms. Aparna Deokar I/b M. P. Vashi and Associates, for the Applicant.

Ms. Madhavi Ayyappan I/b Talekar and Associates, for Respondent
No.1.

CORAM:-K. K. TATED & B. P. COLABAWALLA,JJ.

DATE :- JUNE 13, 2018.

P. C.:

Heard.

2 By this Civil Application the Applicant is seeking to set aside the order dated 8th September, 2017 passed by the Registrar (Judicial-II) by which the First Appeal stood dismissed for non removal of the office objections.

3 Earlier the Applicant had preferred Civil Application No. 249 of 2018 for setting aside the order dated 8th September, 2017 passed by the Registrar (Judicial-II). That application was withdrawn with liberty to file afresh. Hence the present Civil Application.

4 As the present Civil Application is for setting aside the order passed by the learned Registrar (Judicial-II), by which the First Appeal stood dismissed for non removal of office objections, it is not necessary to serve the remaining Respondents. Same is dispensed with.

5 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Civil Application, we are satisfied that the Applicant has made out a case for setting aside the order dated 8th September, 2017 passed by the Registrar (Judicial-II). At the same time they have to pay costs of Rs. 25,000/-. Costs to be paid to the Kirtikar Law Library, High Court within four weeks from today failing which the Civil Application shall stand dismissed without further reference to the Court. Hence, the following order:-

a) The order dated 8th September, 2017 passed by the learned Registrar (Judicial-II) by which First Appeal (st)No. 14168 of 2017 stood

dismissed for non removal of office objections is set aside.

- b) First Appeal(st) No. 14168 of 2017 is restored on file.
- c) The Applicant to remove all office objections in First Appeal (st) No. 14168 of 2017 within four weeks from today, failing which Civil Applications shall stand dismissed without further reference to the Court.
- c) The Applicant to pay costs of Rs. 25,000/-.
- d) Costs to be deposited in Kirtikar Law Library, High Court within four weeks from today and file receipt thereof in the Registry failing which Civil Application shall stand dismissed without further reference to the Court.
- e) Civil Application stands disposed off accordingly.

(B. P. COLABAWALLA, J.)

(K. K. TATED, J.)