

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

**CIVIL APPLICATION NO.229 OF 2017
IN
CROSS-OBJECTION (ST) NO.21314 OF 2015
IN
FIRST APPEAL NO.817 OF 2014**

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.Nilesh U. Masurkar for the applicant

Mr.A.R.Patil, A.G.P. for the State

**CORAM : K. K. TATED &
SARANG V. KOTWAL, JJ.
DATE : FEBRUARY 1, 2018**

P.C.:

1. Heard the learned counsel for the parties.
2. This Application is preferred by claimants for setting aside the conditional order dated 28.3.2016 passed by learned Registrar (Judicial-II) by which the Cross-Objection shall stand dismissed for non-removal of office objections.
3. The learned counsel for the Applicant submits that inadvertently it remained on their part to take immediate steps for removal of office objections. He submits that they already paid sum

of Rs.15,000/- by way of court fees in filing Cross Objection.

4. The learned counsel for the Applicant submits that he received instruction from their client that they are ready and willing to file private paper book in First Appeal also. Statement is accepted. He submits that they have good chance of success in Cross-Objection. He submits that in the interest of Justice, this Hon'ble Court be pleased to allow the present Civil Application. At the same time, applicant have to pay cost.

5. On the other hand, the learned A.G.P for the State vehemently opposed the present Civil Application. He submits that Applicant has not shown sufficient cause for condonation of inordinate delay of 290 days in filing the present Civil Application.

6. We have heard both the sides at length.

7. Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, we are satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order:

- a) Delay in filing Civil Application is condoned.
- b) Conditional order dated 28.3.2016 passed by learned Registrar (Judicial-II) is set aside.

c) Applicant to remove all office objections in Cross-Objection within four weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.

d) By way of cost, Applicant claimant to file private paper book in First Appeal No.817 of 2014 with Cross-Objection within 3 months from today with copy to other side.

e) Civil application stands disposed off accordingly.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)