

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2047 OF 2017
IN
WRIT PETITION NO.11520 OF 2016**

Abhijit C.Koregave .. Applicant.

Vs.

Equatorial Engineering Pvt. Ltd. .. Respondent.

Mr. Dilip B. Shinde for the petitioner.

CORAM : A.K. MENON, J.

DATED : 4TH JANUARY, 2018

P.C. :

1. This writ petition filed on 17th July, 2015 was under office objections and the same came to be dismissed by virtue of self-operative order of dismissal dated 20th April, 2016 for non-removal of the office objections passed by the Registrar Judicial-I. Subsequently, Civil Application No.1646 of 2016 came to be taken out seeking condonation of 343 days delay in filing the application as also restoration of the petition by setting aside the earlier orders. Civil application was allowed on 12th July, 2016 with a direction that the office objections shall be removed within a period of three weeks from the date of the order failing which the petition shall stand dismissed without further recourse to this Court.

2. The petitioner failed to remove office objections within stipulated time and accordingly, the petition came to be dismissed by operation

of the order dated 12th July, 2016. It transpires that inadvertently the registry numbered the Writ Petition as No.11520 of 2016 and the petition was listed before the learned Single Judge on 16th November, 2016 when none appeared for the petitioner. As a result the petition came to be dismissed for default.

3. In view of dismissal of the petition vide order dated 16th November, 2016, Civil Application No.21 of 2018 has been taken out, however, same is not listed on board today. The record and proceedings has since been called for and is taken up along with Civil Application No.2047 of 2017. The reasons set out in paragraph 10 reveal that the applicant's Advocate had sought instructions from local Advocate in Kolhapur who had referred the matter to him and the said Advocate Mr.R.D.Patil could not contact the applicant since the applicant had shifted his residence. The delay was therefore unavoidable and civil application has since been verified by the applicant on 6th December, 2017. Mr.Shinde states that all office objections are since removed.

4. Having heard learned counsel for the applicant, there is sufficient reason to condone the delay. I therefore pass the following order :

- (i) Civil application is made absolute in terms of prayer clause (a) and (b).
- (ii) If office objections are removed, list the matter as per CMIS.

(A.K. MENON,J.)