

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

**CIVIL APPLICATION NO.2841 OF 2017
IN
WRIT PETITION STAMP NO.33049 OF 2015**

Ganesh R. Pimparikar .. Applicant.

Vs.

The Indian Card Clothing Co. Ltd. .. Respondent.

Mr. Dilip B. Shinde for the Applicant.

CORAM : A.K. MENON, J.

DATED : 4TH JANUARY, 2018

P.C. :

1. In view of the order dated 20th April, 2016 passed by the Registrar Judicial-II, the petition came to be dismissed for non removal of office objections. Civil Application No.1647 of 2016 came to be taken out seeking condonation of 125 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 recourse to this Court. The petitioner failed to remove office objections within stipulated time and accordingly, the petition came to be dismissed. The objections were

not so removed and when the matter came to be listed on 1st August, 2016 further time was granted to remove office objections. Despite this the office objections were not removed and as a result of the self-operative order, the petition came to be dismissed.

2. Mr.Shinde, learned counsel for the applicant submits that after the time was granted to remove office objections, he has been pursuing removal of office objections, however, the Registry could not trace the record and proceedings. He has relied upon Exhibit-C to civil application being a series of letters he has addressed to the registry. At that stage the record and proceedings were apparently unavailable. However, he states that due to unavailability of the record, the objections could not be removed within stipulated time and this is how the petition came to be dismissed.

3. Having heard learned counsel for the petitioner and having perused the contents of the petition, I am of the view that there is sufficient ground made out to condone the delay. Hence, I pass the following order :

- (i) The application is made absolute in terms of prayer clause (a) and (b).
- (ii) Time to remove all office objections is extended by two weeks from today. If office objections are not removed within time stipulated, this petition shall stand dismissed without further reference to the Court.

(A.K. MENON,J.)