

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

**CIVIL APPLICATION (st.) NO. 34259 OF 2018
IN
CIVIL APPLICATION NO. 942 OF 2018
IN
REJECTED CASE NO. 2492 OF 2017
IN
FIRST APPEAL (ST.) NO. 14168 OF 2017**

Atlanta Limited ... Applicant.

In the matter between :

Atlanta Limited ... Appellant.

V/s.

Pune Municipal Corporation & Ors. ... Respondents.

Ms. Aparna Devkar, Advocate a/w. Mr. Makrand Kale I/by M.
P. Vashi & Associates for the Applicant.

CORAM : K.K. TATED & N.J. JAMADAR,JJ.

DATE : DECEMBER 18, 2018.

PC :

1 Heard the learned counsel appearing for the
Applicant.

2 By this civil application, the Applicant is seeking
condonation of delay of 114 days in filing present civil
application, for removal of the office objections and for
restoration of civil application no. 942 of 2018, which was

dismissed vide conditional order dated 13.06.2018 passed by this court (Coram : K.K.Tated & B.P. Colabawalla, JJ.).

3 Considering the submissions made by the learned counsel for the Applicant/ Appellant and the averments made in the civil application, we are satisfied that the applicant / appellant has made out a case for allowing the present civil application but at the same time, the applicant/ appellant has to pay cost.

4 It is to be noted that earlier this court by order dated 13.06.2018 in civil application no. 942 of 2018 directed the Applicant to remove all office objections within four weeks, on payment of costs of Rs. 25,000/-. Though four weeks time was granted to the Applicant, they failed to comply with the said order. Thus the Applicant / Appellant to pay cost of Rs. Rs.50,000/- in the present civil application.

5 In view of the above mentioned facts, the following order is passed :

- i. The civil application is allowed.
- ii. The delay in filing the civil application is condoned.
- iii. The applicant to remove all office objections in the First Appeal (st.) No. 14168/ 2017 on or before

31.01.2019; failing which said first appeal shall stand dismissed without referring back to the court.

iv. The Applicant to pay cost of Rs.50,000/.

v. The cost to be deposited in the Kirtikar Law Library on or before 11.01.2019 and file its receipt with the Registry; failing which the civil application shall stand dismissed without referring back to the court.

vi. The civil application stands disposed of in the above terms.

(N.J. JAMADAR, J.)

(K. K. TATED, J.)

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