

Before : Shri A. M. Chandekar
Prothonotary & Senior Master
Date : 10th April, 2018

FOR HEARING & FINAL DISPOSAL (ORIGINAL SIDE MATTERS) :

1	CHOL/121/2018	)	Mr. Pintu Singh, Registered Clerk I/b.
	MPTL/351/2010	)	Anamika Malhotra, Advocate for
	TP/686/1984	)	Applicant.
		)	
		)	Mr. R. A. Shah and N. J. Marjadi,
		)	Advocate for Respondent No. 3.
		)	
		)	P.C. : Instant Chamber Order is taken out for
		)	setting aside Order dated 02.04.2012,
		)	rejecting MPTL/351/2010 in
		)	TP/686/1984 for non-removal of office
		)	objections.
		)	
		)	Ld. Counsel for Applicant is absent. Ld.
		)	Counsel for Respondent No. 3 is present.
		)	Ld. Counsel for Respondent No. 3 has
		)	strongly opposed instant Chamber Order
		)	by submitting that contention of the
		)	Applicant in Affidavit in Support dated
		)	21.07.2017 that as Applicant was
		)	suffering from hypertension, he could
		)	not keep day today track of the Petition.
		)	Ld. Counsel for Respondent No. 3 has
		)	strongly contended that Applicant is
		)	stating falsely that he was continuously
		)	ill since 2010. In fact, Applicant had
		)	filed Special Leave to Appeal before the
		)	Hon'ble Apex Court in the year 2011
		)	and in support to this contention, placed
		)	reliance on the copy of Order dated
		)	24.02.2012 passed in Special Leave to
		)	Appeal (Civil) No. 2580/2012 by the
		)	Hon'ble Apex Court. It is also pointed
		)	out that medical reports annexed with
		)	the Chamber Order are of the year 2017
		)	and instant Chamber Order is filed on
		)	27.09.2017 after period of almost five
		)	years.

2 **Before : Shri A. M. Chandekar**
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From the documents placed on record by the Applicant and Order of the Hon'ble Apex Court, relied by Respondent No. 3, contention of the Applicant is not sufficient to allow instant Chamber Order.

Hence, instant Chamber Order is rejected since devoid of merits. No order as to costs.

Later on :

At 04.07 p.m., Ms. Divya Parab I/b. Anamika Malhotra, Advocate for Applicant appeared and submitted that Service Affidavit is ready, but she was unable to remain present when the matter is called out.

It is explained to the ld. Advocate for Applicant that order is already passed in the instant matter on merits, so nothing can be done at this stage.

Date : 10.04.2018

Prothonotary & Senior Master