

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 21 OF 2018

IN

NOTICE OF MOTION (L) NO. 3648 OF 2016

IN

APPEAL (L) NO. 494 OF 2016

IN

MISCELLANEOUS APPLICATION NO. 03 OF 2016

Pooja Gyanchandra Joshi

....Appellant/
Applicant

V/s.

Special Director, Enforcement
Directorate

.....Respondent

* * * * *

Mr. Ravi Gadagkar i/by. Ms. Usha Gadagkar, Advocate for
the applicant-original appellant.

Mr. Rui Rodrigues a/w. Mr. D.P. Singh, Advocate for the
respondent.

CORAM :-

M.S. SANKLECHA, &

SANDEEP K. SHINDE, JJ.

DATE :-

5TH APRIL, 2018.

P.C. :-

1. This Notice of Motion seeks the following relief :

(a) condonation of 279 days delay in taking out the present application; and

(b) set aside the order dated 2nd February, 2017 passed by the Prothonotary & Senior Master, rejecting the applicant's Notice of Motion No. 3648 of 2016 for non-removal of office objections under Rule 986 of the Bombay High Court (Original Side) Rules.

2. We have perused the Affidavit-in-support. We find that the Advocate who is appearing in support of the present application is the very advocate who had filed the appeal and the original Notice of Motion. The affidavit states that the Advocate was under the impression that the objections with regard to the Notice of Motion have been removed. However, it was only in December, 2017 that the Advocate learnt that the Notice of Motion No. 3648 of 2016 taken out by her had been dismissed on 2nd February, 2017 on checking the website of this Court. Immediately, thereafter on 5th December, 2017, this Motion was taken out. This is a clear case of omission

on the part of the Advocate for which the applicant should not suffer.

3. Therefore, we are satisfied with the reasons indicated in the Notice of Motion and allow it in terms of prayer clauses (a).

4. Needless to state that the applicant would remove the office objections in the Notice of Motion within a period of 2 weeks from today. It is made clear that, in case the applicants fail to remove the office objections within the stipulated time, the Motion will stand dismissed without reference to the Court.

(SANDEEP K. SHINDE, J)

(M.S. SANKLECHA, J)