

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

**CIVIL APPLICATION (STAMP) NO.4895 OF 2019
WITH
CIVIL APPLICATION NO.3229 OF 2019
IN
FIRST APPEAL NO.1675 OF 2016
WITH
FIRST APPEAL NO.1675 OF 2016**

Cogent Enterprises Ltd and Ors.

...Applicants

Versus

Vijay Kumar Jagdishray Chawla

...Respondent

...

Mr. S.C. Wakankar for the Applicants.

Mr. Saurabh Butala i/b. Mr. Harshad Sathe for the Respondent.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 07th OCTOBER, 2019.

P.C.:-

ORDER IN CIVIL APPLICATION (STAMP) NO.4895 OF 2019:-

The learned counsel for the Applicants states that the application for restoration was filed under a mistaken belief that the Appeal was dismissed. He seeks leave to withdraw the application. Leave is granted.

2. The application is dismissed as withdrawn.

ORDER IN CIVIL APPLICATION NO.3229 OF 2019:-

3. By this application, the Applicants herein have sought to condone the delay of 273 days in filing the application for recall of conditional order dated 10th April, 2018 and further sought restoration of Civil Application (Stamp) No.34770 of 2017.

4. By order dated 26th February, 2018 three weeks' time was granted to the Applicant to remove the office objections. By order dated 20th March, 2018 said time was extended by further three weeks. By order dated 10th April, 2018 once against the Registrar-Judicial extended the time by a period of four weeks. The Applicants were put to notice that registration of the civil application would stand refused without further reference to the Court in the event, office objections were not removed within the stipulated time of four weeks. Failure to comply with the said conditional order within the stipulated time resulted in dismissal of the Civil Application (Stamp) No.34770 of 2017.

5. In paragraphs 4 and 5 of the application the learned counsel for the Applicants has stated that there was miscommunication between him and his clerk and therefore follow up action could not be made. The learned counsel for the Applicants undertakes to remove the office objections within a period of two weeks.

6. In the light of the said statement and in view of the explanation given in paragraphs 4 and 5 of the application, the delay is condoned. The Civil Application (stamp) No.34770 of 2017 is restored to file subject to removal of office objections and payment of costs of Rs.10,000/- to be paid to the Juvenile Justice Fund.

7. Civil Application stands disposed of.

8. Civil Application(stamp) No.34770 of 2017 and the appeal be listed on **18/11/2019**.

(SMT. ANUJA PRABHUDESSAI, J.)