

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

**CIVIL APPLICATION NO. 3822 OF 2001
IN
FIRST APPEAL NO. 1550 OF 1996**

Maharashtra State Road Transport CorporationApplicant

V/s.

Chandramathi Raveendran Vadakkethu and ors.Respondents

Mr. C.M. Lokesh i/b. Mr. G.S. Hegde for the applicant.

None for the respondents.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 13th AUGUST, 2019

P.C.:-

. The applicant herein had filed the First Appeal No.1550/1996 challenging the judgment and award dated 18/06/1996 passed by the learned Member, MACT, Raigad – Alibag in Accident Claim Case No.235/1993.

2. By order dated 21/07/1997, the appellant was granted two weeks time to remove office objections. The appellant was put to notice that in the event the office objections were not removed within two weeks, the appeal would stand disposed of without further reference to this Court. Non removal of office objections resulted in the dismissal of the appeal.

3. By the present application, the applicant has sought recall of the said dismissal order dated 21/07/1997. The applicant has stated that the advocate did not remove the office objections within stipulated time due to inadvertence. In my considered view, the appellant cannot be penalised for the mistake on the part of his lawyer. The learned counsel for the applicant states that the office objections will be removed within a period of two weeks.

4. In the light of said statement and in the interest of justice, the order dated 21/07/1997 is recalled. First Appeal No.1550/1996 stands restored to file. The applicant to remove office objections within a period of two weeks. The appeal be registered after removal of office objections. It is made clear that in the event the office objections are not removed within two weeks, the appeal shall stand dismissed without further reference to this Court.

5. Civil Application No.3822 of 2001 stands disposed of.

6. Place the appeal on 27/08/2019.

Preeti
H.
Jayani

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Preeti H.
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(SMT. ANUJA PRABHUDESSAI, J.)