

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

CIVIL APPLICATION NO. 1401 OF 2018

IN

R. C. NO. 210 OF 2019

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mahesh Joshi for the Applicant.
Sheetal Mane for Respondent Nos. 2 & 3.

**CORAM: K.K.TATED, J.
DATED : OCTOBER 15, 2019**

P.C.

1 Heard.

2 By this Civil Application, the Applicant/Original Plaintiff is seeking to set aside the order dated 08/12/2017 passed by the learned Registrar (Judicial-II) by which the First Appeal No. 7438 of 2017 stood dismissed for non removal of office objections.

3. The Learned Counsel for the Applicant submits that, inadvertently it remained on their part to remove all office objections within time. He submits that, this Hon'ble Court be pleased to condone the delay in filing the Civil Application and matter to be

restored on file for hearing on its own merits.

4. The Learned Counsel for Respondent Nos. 2 & 3 vehemently opposed the present Civil Application. She submits that the Applicant has not disclosed a sufficient cause for condonation of delay in filing the Civil Application. There is no substance in the present Civil Application and the same is required to be dismissed with cost.

5. I heard both sides at length. It is to be noted that the matter appeared before the Learned Registrar on 13/09/2017, 08/10/2017 and lastly on 08/12/2017 when the Learned Registrar granted time for removal of office objections. In spite of that, the Applicant failed to remove all office objections.

6. Considering the submission made by the Learned Counsel for the Applicant and the reasons disclosed in Civil Application, I am satisfied that the Applicant has made out a case for allowing this Civil Application.

7. Hence, the following order:

a. Delay in filing the Civil Application is condoned.

- b. Order dated 08/12/2017 passed by the Learned Registrar (Judicial-II) is set aside.
- c. First Appeal St. No. 7438 of 2017 is restored on file for hearing on its own merits.
- d. The Applicant to remove all office objections in First Appeal St. No. 7438/2017 on or before 30/11/2019, failing which, Civil Application shall stand dismissed without further reference to the Court.
- e. The Applicant to pay cost of Rs. 5,000/-.
- f. Cost to be deposited in Kirtikar Library, Appellate Side, First Floor, Bombay High Court on or before 16/11/2019 and place on record receipt to that effect, failing which Civil Application shall stand dismissed without further reference to the Court.
- g. Civil Application disposed of accordingly.
- h. No order as to costs.

(K.K.TATED, J.)