

Tikam

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

CIVIL APPLICATION No. 364 OF 2019
IN
APPEAL FROM ORDER (ST) No. 7745 OF 2018

Smt. Geetadevi Sohnaalal Daga	...Applicant
Vs.	
Ajay Kumar Hariram Marro and Ors.	...Respondents

Ms. Neha Mishra i/b. Mr. Ashok Saraogi for Applicant	

CORAM : SHRI K.K. TATED, J.

DATE : APRIL 24, 2019

P.C.:

1. Heard learned counsel Ms. Neha Mishra for Applicant .
2. By this civil application, the Applicant is seeking to restore the Appeal from Order (St) No. 7745 of 2018 with Civil Application (st) No. 7746 of 2018 which stand dismissed in view of the conditional order dated 10th October, 2018 passed by the Learned Registrar (Judicial -II) for non-removal of office objections.
3. Learned counsel for Applicant submits that it remained on part of their clerk to take appropriate steps for removing office objections within time. She submits that they have good chance of success in the present matter. She submits that in the interest of justice, this Hon'ble Court be pleased to condone the delay in filing the civil application and set aside the order dated 10th October, 2018.
4. Considering the submissions made by the learned counsel for the Applicant, and, averments made in paragraph 7 of application, I am satisfied that the Applicant has made out a case for allowing the civil application, but, at the same time, they have to pay costs of Rs.5,000/-. Hence, following order:

ORDER

- (A) Delay in filing the Civil Application is condoned.
- (B) Order dated 10th October, 2018 passed by the Learned Registrar (Judicial II) is set aside.
- (C) Appeal from Order (St) No. 7745 of 2018 with Civil Application (ST) No. 7746 of 2018 is restored on file.
- (D) Applicant to remove all office objections in Appeal from Order as well as Civil Application on or before 15th June, 2019, failing which civil application shall stand dismissed without referring back to the Court.
- (E) Applicant to pay costs of Rs.5,000/-
- (F) Costs to be deposited in Kirtikar Library, First Floor, High Court Building on or before 7th June, 2019 and place on record a receipt to that effect, failing which civil application shall stand dismissed without referring back to the Court.
- (G) Civil Application stands disposed of accordingly.

[K.K. TATED, J.]