

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1785 OF 2018
IN
WRIT PETITION (ST) NO. 24334 OF 2016**

Peter Michael Gonsalvis (since decd.)
through Legal heir and representative
Michael Domnik Gonsalvis @ Mingel Duma
Ghosalvis

.. Applicant

Versus

Sebastian Pavalu Ghosalvis

.. Respondent

Ms. Sangita Kalsekar I/b Ms. Pallavi Dabholkar for applicant.

CORAM : K.K. TATED, J.

DATE : 22 JANUARY 2019.

P.C:-

. Heard learned Counsel for the parties.

2. By this civil application, applicant is seeking condonation of 120 days delay in filing civil application and also restoration of Writ Petition (St.) No.24334 of 2016 which stands dismissed in view of conditional order dated 03.08.2017 passed by the learned Registrar (Judicial-I) for non removal of office objections.

3. The learned Counsel for the applicant submits that because of inaction on the part of her clerk it remain on their part to remove all office objections. She submits that in the interest of

justice this Hon'ble Court be pleased to condone the delay and set aside the impugned order dated 03.08.2017. She submits that if Civil Application is not allowed irreparable loss will cause to the applicant.

4. It is to be noted that in the present proceedings the matter appeared before the learned Registrar (Judicial-I) on 20.06.2017, 12.07.2017, then 03.08.2017 on that date no one appeared on behalf of applicant. Not only that they failed to remove all office objections as per the conditional order dated 03.08.2017.

5. Considering the fact that because of mistake on the part of the advocate, petitioner should not suffer, I am of the opinion that Civil Application can be allowed on payment of cost of Rs. 10,000/-. Hence, following order :

- a) Writ Petition (St.) No.24334 of 2016 is restored on file for hearing on its own merits.
- b) Applicant to remove all office objections in Writ Petition (St.) No.24334 of 2016 as per order dated 03.08.2017 passed by the learned Registrar (Judicial-I) on or before 28.02.2019, failing which Civil Application shall stand dismissed without reference to the Court.
- c) Applicant to pay cost of Rs. 10,000/-

- d) Cost to be deposited in Kirtikar Law Library on or before 15.02.2019 and place on record receipt to that effect, failing which civil application shall stand dismissed without reference to the Court.
- e) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)