

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

**CIVIL APPLICATION NO.1451 OF 2019
IN
FIRST APPEAL (ST.) 25746 OF 2017**

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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Mr.Rupam Ghosh for the applicant

None for the respondent

**CORAM : K. K. TATED, J
DATE : APRIL 30, 2019**

P.C.:

. Not on board. At the request of the learned counsel for the Applicant, matter is taken on board for urgent orders.

2 Heard.

3 By this Civil Application, Applicant is seeking to set aside the order dated 22.1.2018 passed by learned Registrar (Judicial-II) by which First Appeal (St.) No.25746 of 2017 stands rejected for non removal of office

objections.

4 The learned counsel for the Applicant submits that it remained on their part to remove office objections within time. He submits that they are ready and willing to remove all office objections within time as per the orders passed by this court, if any.

5 It is to be noted that in the present proceeding, when the matter appeared before the learned Registrar on 22.1.2018, the learned counsel for the appellant was present. At that time, learned Registrar (Judicial-II) granted four weeks time to remove office objections. In spite of that, the learned counsel for the Applicant failed and neglected to remove all office objections.

6 Considering the submissions made by the learned counsel for the Applicant, the averments made in Civil Application and as Applicant is ready and willing to remove all office objections within time, I am satisfied that the Applicant has made out a case for allowing the Civil Application. Hence, following order is passed:

- a. Order dated 22.1.2018 passed by learned Registrar (Judicial-II) is set aside.
- b. First Appeal (St.) No.25746 of 2017 is

restored on file for hearing on its own merits.

- c. Applicant to remove all office objections in First Appeal (St.) No.25746 of 2017 on or before 15.6.2019, failing which Civil Application shall stand dismissed without referring back to the court.
- d. Applicant to pay cost of Rs.5,000/-.
- e. Cost to be paid to the Kirtikar Law Library on or before 04.06.2019 and place on record receipt to that effect, failing which Civil Application shall stand dismissed without referring back to the court.
- f. Civil Application stands disposed of accordingly.

(K.K.TATED, J.)