

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.612/2017
in
First Appeal (ST) No.22696/2015

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
	Ms. Vidhya Korgaonkar I/b. Amar Bhatt for the Applicant Mr. Nandu V. Pawar for Respondent No.4.

CORAM: K.K.TATED, J.
DATED : AUGUST 6, 2019

P.C.

1 Heard. By this Civil Application, the Applicant - Plaintiff is seeking to set aside order dated 08.02.2016 passed by the learned Registrar (Judicial-II) by which the First Appeal stood dismissed for non removal of Office objections .

2 The learned counsel for the Applicant undertakes to remove all Office objections within four weeks from today. The undertaking is accepted. He submits that they have good chance of success in the matter. He submits that in the interest of justice, this Hon'ble Court be pleased to condone the delay in filing the Civil Application and restore

the matter for hearing on merits. He submits that if delay is not condoned, irreparable loss will be caused to them.

3 On the other hand, the learned counsel for Respondent No.4 has vehemently opposed the Civil Application. He submits that the matter appeared before the learned Registrar for removal of Office objections on three occasions. The Applicant has failed and neglected to comply with the same. He submits that the Applicant has not shown sufficient cause for condonation of delay in filing the Civil Application. There is no substance in the Civil Application. Same be dismissed with costs.

4 In the present proceedings the First Appeal stood dismissed for non removal of Office objections as per order dated 08.02.2016 passed by the learned learned Registrar (Judicial-II).

5 It is to be noted that the Apex Court in the matter of ***N.Balkrishnan Vs. M. Krishnamurthy (1998) 7 SCC 123*** held that the object of fixing the time limit is not meant to destroy the rights.

The law of limitation fixes a lifespan for such legal remedy for the general welfare.

6 Considering the submissions made by the learned counsel for the Applicant, the reasons disclosed in the Civil Application and the law laid down by the apex court, I am satisfied that the Applicant has made out a case for allowing the Civil Application. At the same time, the Applicant will have to pay costs of Rs.2500/- to Respondent No.4.

7 Hence, following order is passed:

a. Order dated 08.02.2016 passed by the learned Registrar (Judicial-II) is set aside.

b. First Appeal (ST) No.22696/2015 is restored to file for hearing on merits.

c. The Applicant is directed to remove all office objections on or before 27.09.2019, failing which the Civil Application shall stand dismissed without further reference to the court.

d. The Applicant shall pay costs of Rs.2500/- to Respondent No.4 or his

Advocate on or before 07.09.2019 and place a receipt thereof on record, failing which the Civil Application shall stand dismissed without further reference to the court.

e. The Civil Application stands disposed of accordingly.

(K.K.TATED, J.)