

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 208 OF 2019
IN
FIRST APPEAL ST. NO. 31877 OF 2015

Union of India Applicant.

Vs.
Parsharam Kashinath Matsagar Respondent

Mrs. Jyoti Agrawal i/b Chetan Agrawal for the Applicant.
None for the Respondent.

CORAM : K.K.TATED, J.
DATED : JUNE 20, 2019

P.C.

- 1 Heard learned counsel for the Applicant.
2. By this Civil Application, the Applicant is seeking to set aside the order dated 14th February 2019 passed by the Learned Registrar (Judicial-II) by which the Civil Application No. 1666 of 2016 and 1667 came to be dismissed for non compliance of the conditional order.
3. The learned counsel for the Applicant submits that, it remained on their part to take appropriate steps immediately to serve Respondent No. 1 and 2. He submits that Advocate Incharge of the matter was not in town that time. He submits that they have good chance of success in the present proceedings. He submits that in the

interest of justice this Hon'ble Court be pleased to set aside the order dated 14 February 2019 and restore both the Civil Applications against Respondent No. 1 and 2. He submits that if Civil Application is not allowed, irreparable loss will be caused to them. Learned counsel for the Applicant submits that the Applicant undertakes to remove all office objections within four weeks from today.

4. It is to be noted that in the present proceeding, matter appeared before the Learned Registrar on several occasions. In spite of that, the Applicant failed to take appropriate steps for serving on Respondent No. 1 and 2. Hence, the Learned Registrar passed conditional order dated 14th February, 2019.

5. Considering the submission made by the learned counsel for the Applicant, averments made in Civil Application and as the Applicant undertakes to remove all office objections within 4 weeks from today, I am satisfied that, this Civil Application can be allowed on payment of cost of Rs.5,000/-.

6. Hence, the following order:

- a. The order dated 14th February, 2019 passed by the Learned Registrar (Judicial-II) is set aside.
- b. Civil Application No. 1666 of 2016 and 1667 of 2016 are restored on file for hearing on its own merits.

- c. The Applicant is directed to remove all office objections in Civil Application No. 1666 of 2016 and 1667 of 2016 on or before 26th July, 2019 failing which Civil Application shall stand dismissed without further reference to the Court.
- d. The Applicant to pay cost of Rs. 5,000/-.
- e. The costs shall be paid to Kirtikar Law Library, First Floor, High Court, Mumbai on or before 12th July, 2019 and place on record a receipt to that effect, failing which Civil Application shall stand dismissed without further reference to the court.
- e. The Civil Application shall stand disposed of accordingly.

(K.K.TATED, J.)