

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
CIVIL APPLICATION [STAMP] NO.13124 OF 2019
IN
WRIT PETITION [STAMP] NO.8323 OF 2017

Sakkar Gulam Huseein Jiwani] Applicant

IN THE MATTER BETWEEN:

Sakkar Gulam Huseein Jiwani] Petitioner

Vs.

Nasima Zulkernain Merchant] Respondent

.....

Mr. Kezer Kharawala i/b Lex Juris, Advocate for the Applicant.

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CORAM : R.G. KETKAR, J.

DATE : 7th JUNE, 2019.

P.C.

Not on board. At the request of Mr. Kharawala, taken up in the production board.

2. Heard Mr. Kharawala, learned Counsel for the applicant.

3. This is an application for setting aside the order dated 22nd June, 2018 passed by the learned Registrar (Judicial-I). By that order, 4 weeks time was granted to the petitioner to remove office objections.

4. Mr. Kharawala assures that after restoration of the Writ Petition, within two weeks from today, he will remove office objections. He further

states that notices were not issued to the respondents in the main Petition. He also states that he has deposited Rs.5,00,000/- as per the impugned order in the Small Causes Court and without prejudice to the rights and contentions of the petitioner, the petitioner will deposit remaining amount of Rs.21,20,000/- in the Small Causes Court within one week from today.

5. As the notices were not issued in the main Petition, for the reasons stated in the application, I am satisfied that the applicant has made out a sufficient cause for setting aside the order dated 22nd June, 2018.

6. In view thereof, C.A is allowed in terms of prayer clauses (a) and (b) with no order as to costs. Writ Petition is restored to its original position. The applicant shall deposit balance of amount of Rs.21,20,000/- within one week from today in the Small Causes Court.

[R.G. KETKAR, J.]