

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 197 OF 2019
IN
FIRST APPEAL No. 671 OF 2003

Variety Trading Company	...Applicant
Vs.	
Municipal Corporation of Greater Bombay and Ors.	...Respondents

Mr. Javeed Hussein a/w. Mr. Mubashir Hussein a/w. Ms. Munibah Iram a/w. Mr. Manjeet Lotankar i/b. Hussein & Company for Applicant
Mr. R.S. Apte, Senior Advocate a/w. Ms. Sheetal Mane for Respondent Corporation.

CORAM: K.K. TATED, J.

DATED : JUNE 14, 2019

P.C. :

1. Heard learned counsel for the parties.
2. By this civil application, the applicant is seeking to set aside the order dated 26th February, 2019 passed by the Learned Registrar (Judicial-II) by which the Civil Application (St) No. 36073 of 2018 stands dismissed for non-removal of office objections.
3. Learned counsel Mr. Javeed Hussein for the Applicant submits that inadvertently it remained on their part to remove office objections in time. He undertakes to remove all office objections on or before 20th July, 2019. He submits that the Applicant has good chance of success in the present proceeding and, therefore, in the interest of justice, this Hon'ble Court be pleased to condone the delay in filing the present civil application, impugned order dated 26th February, 2019 be set aside and civil application (St) No. 36073 of 2018 be heard on its

own merits.

4. Considering the submissions made by learned counsel for the Applicant and perusing the impugned order in civil application (St) No. 36073 of 2018, I am satisfied that the Applicant has made out a case for allowing this civil application subject to Applicant to pay costs of Rs.2,500/-. Hence, following order:

Order

- (a) Delay in filing the Civil Application is condoned.
- (b) The order dated 26th February, 2019 passed by the Learned Registrar (Judicial-II) is set aside.
- (c) Civil Application (St) No. 36073 of 2018 is restored on filed for hearing on its own merits.
- (d) Applicant to remove all office objections in Civil Application (St) No. 36073 of 2018 on or before 20th July, 2019, failing which civil application shall stand dismissed without referring back to the Court.
- (e) If all office objections are removed within stipulated time as stated hereinabove, Civil Application (St) No.36073 of 2018 to be shown on board for hearing on 23rd August, 2019.
- (f) Applicant to pay costs of Rs.2,500/-.
- (g) Costs to be deposited in Kirtikar Law Library, 1st Floor, High Court and placed on record the receipt to that effect on or before 20th July, 2019 failing which civil application shall stand dismissed without referring back to the Court.
- (f) Civil Application stands disposed of accordingly.

(K. K. TATED, J.)