

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2857 OF 2019 IN
FIRST APPEAL NO.2851 OF 2018

Dattaram Balkrishna Pervi ...Applicant
vs.
The State of Maharashtra & Ors. ...Respondents

Mr.Sagar Talekar for the Applicant
Ms Anamika Malhotra, AGP for the respondent No.1
Ms Sheetal Mane for respondent Nos.2 and 3.

CORAM : K.K.TATED, J.
DATE : AUGUST 27, 2019

P.C.:

1 Heard the learned counsel for the parties.

2 By this application the applicant is seeking setting aside conditional order dated 28.8.2017 passed by the Registrar (Judicial-II) by which First Appeal No.225 of 2015 with Civil Application No.776 of 2015 stand dismissed for non removal of office objections. The learned counsel for the applicant submits that the applicant undertakes to remove office objections within two weeks from today. Statement is accepted.

3 Considering the statement made by the learned
counsel for the applicant and the averments made in
the application, applicant made out a case for
allowing the Civil Application.

4 Hence, I pass the following order:

- a) Delay in filing the Civil Application is condoned.
- b) The order dated 28th August 2017 passed by the Registrar (Judicial-II) is set aside.
- c) First Appeal No.225 of 2015 and the Civil Application No.776 of 2015 are restored to the file for hearing on its own merit.
- d) Applicant to remove all office objections in the First Appeal as well as pending Civil Application within two weeks from today failing which Civil Application shall stand dismissed for non prosecution.
- e) Civil application stands disposed of accordingly.
No order as to costs.

(K.K.TATED,J.)