

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
Civil Application No.3666/2016

in
First Appeal No.434/2015

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders

Court's or Judge's orders.

Mr. Kedar G. Prabha with Mr. S. P. singh for the
Applicant

CORAM : K.K.TATED, J.
DATED : JUNE 13, 2019

P.C.

1 Heard. None for the Respondent though duly served.

2 By this Civil Application, the Applicant is seeking to set aside the order dated 08.10.2015 passed by the Registrar Judicial (II) by which the First Appeal along with Civil Application No.1457/2015 came to be dismissed for non removal of office objections.

3 The learned counsel for the Applicant submits that inadvertently, it remained on their part to remove all office objections within time. He undertakes to remove all office objections within four weeks from today. 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 First Appeal and Civil Application for hearing on merits. He submits that the Applicant has good chance of success in the matter. He submits that if

the Civil Application is not allowed, irreparable loss will be caused to them.

4 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Civil Application, I am satisfied that the Applicant has made out a case for allowing the Civil Application, however, on payment of costs of Rs.5000/-.

5 Hence, following order is passed.

- a. Delay in filing the Civil Application is condoned.
- b. Order dated 8th October 2015 passed by the Registrar Judicial (II) is set aside.
- c. The First Appeal and Civil Application No.1457/2015 are restored to file for hearing on merits.
- d. The Applicant to pay costs of Rs.5000/-.
- e. Costs shall be paid to the Kirtikar Law Library, High Court, Mumbai on or before 06.07.2019 and place a receipt thereof on record, failing which the Civil Application shall stand dismissed without further reference to the court.
- f. Civil Application stands disposed of accordingly.

(K.K.TATED, J.)