

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
Civil Application No.3741/2018

in

First Appeal (ST) No.33666/2017

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

Court's or Judge's orders.

Mr. Sameer Kumbhakoni for the Applicant

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

**P.C.**

1 Heard. By this Civil Application, the Applicant is seeking condonation of delay in filing the Civil Application as well as to set aside the conditional order dated 02.04.2018 passed by the Registrar Judicial (II) by which the First Appeal stood dismissed for non removal of office objections.

2 The learned counsel for the Applicant submits that inadvertently, it remained on their part to remove all office objections within time. He submits that the Applicant has good chance of success in the matter. The Applicant undertakes to remove all office objections within four weeks from today. The statement is accepted.

3 In the present proceedings the First Appeal had appeared before the Registrar on 15.02.2018, 09.03.2018 and 02.04.2018 when none appeared for the Applicant.

4 Considering these facts and the submissions made by the learned counsel for the Applicant and the averments made in the Application and because of mistake on the part of the Advocate a litigant should not suffer, I am satisfied that the Applicant has made out a case for allowing the Civil Application, however, on payment of costs.

5 Hence, following order is passed.

- a. Dealy in filing the Civil Application is condoned.
- b. Order dated 02.04.2018 passed by the Registrar Judicial (II) is set aside.
- c. The First Appeal is restored to file for hearing on merits.
- d. The Applicant is directed to remove all office objections in the First Appeal on or before 20.07.2019, failing which the First Appeal shall stand dismissed without further reference to the court.
- e. The Applicant to pay costs of Rs.5000/-. Costs shall be paid to the Kirtikar Law Library, High Court, Mumbai on or before 12.07.2019 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.)**