

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1897 OF 2019
IN
WRIT PETITION STAMP NO. 3975 OF 2018
(R.C. NO. 770 OF 2019)

Strata Co-operative Housing Society Ltd. .. Applicant/Petitioner
Vs.
Simplex Realty Ltd and ors. .. Respondents

Mr.Ranbir Singh a/w Mr.Vishesh Kalra i/b Vidhii Partners, for
Applicant.

Mr.Ashish Kamat a/w Murtuza Federal and Ms.Paulami Mehta
i/b Federal & Company, for Respondent No.1.

CORAM : M.S.KARNIK, J.

DATE :06th SEPTEMBER 2019

P.C. :

. Heard learned Counsel for the applicant.

2. This is an application for setting aside the order dated 03/12/2018 passed by Registrar (Judicial – I) for non-removal of office objections. There is delay of 147 days in filing the present application for restoration. The notices on the

Petition were yet to be issued and the registration of the Petition was refused for want of removal of office objection.

3. In this Civil Application learned Counsel for the respondent No.1 appeared and opposed the application for restoration as well as application for condonation of delay. He would submit that he may be granted time to file affidavit in response to the application for restoration as well as application for condonation of delay. According to him, no reasons have been mentioned in the application for condonation of delay.

4. In my opinion, request made by learned Counsel for the respondent No.1 need not be acceded to. The present Civil Application is filed for setting aside the order passed by Registrar (Judicial- I). The registration of Writ Petition was refused for non-removal of office objections. There is delay in filing the application which has been explained. The Petition was yet to be listed for admission. The registration of Petition is refused for want of removal of office objections.

5. It is in these circumstances, for the reasons

mentioned in the application, delay caused in filing application for restoration deserves to be condoned and the same is condoned. Further for the reasons mentioned in the Civil Application, the same is allowed in terms of prayer clause (b) subject to the petitioners removing all office objections within a period of 3 weeks from today.

6. Civil Application is disposed of.
7. List the petition on 30/09/2019.

(M.S.KARNIK, J.)