

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.2966/2019
IN
FIRST APPEAL (ST)NO.4236/2019
(R.C.NO.1438/2019)**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Advocate Mr.Vasan R.Kadam i/b Yuvraj P. Narvankar for applicant.

**CORAM : K. K. TATED, J
DATE : AUGUST 23,2019.**

P.C.:

Not on board. At the request of learned advocate Mr.Vasan Kadam for applicant matter taken on production board for urgent orders.

2 Heard learned advocate Mr.Vasan Kadam for applicant.

3 By this civil application applicant is seeking to set aside order dated 14.6.2019

passed by learned Registrar (Judicial-II) by which first appeal (Stamp) no.4236/2019 stand dismissed for non removal of office objections.

4 Office note shows that matter appeared before learned Registrar on 28.3.2019, 23.4.2019 when no one appeared on behalf of applicant. Hence, learned Registrar passed conditional order on 14.06.2019.

5 Learned counsel for applicant submits that inadvertently it remained on their part to remove office objections. Office objections raised by learned Registrar are in respect of statutory deposit. Now applicant collected the amount for depositing in the Registry of this Court. Hence, learned counsel for applicant submits that this Court be pleased to condone the delay in filing civil application and order dated 14.6.2019 is set aside.

6 Considering the submissions made by learned advocate for applicant and as there is delay of 30 days in filing civil application, applicant has to pay cost of Rs.5,000/-.

7. Hence, the following order.

a) Order dated 14.6.2019 passed by learned Registrar (Judicial-II) is set aside.

b) First appeal (Stamp) no.4236/2019 is restored on file for hearing on its own merits.

c) Applicant to remove all office objections in First Appeal (Stamp) no.4236/2019 on or before 7.9.2019 failing which civil application shall stand dismissed without referring back to the court.

d) Applicant to pay cost of Rs.5000/-

e) Cost to be deposited in Kirtikar Law Library, High Court, Main building, Mumbai on or before 4.9.2019 and place on record receipt thereof failing which, the civil application shall stand dismissed without referring back to the court.

(K.K.TATED, J.)