

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION
CIVIL APPLICATION NO.37 OF 2019
in
APPEAL FROM ORDER (St) NO.815 of 2018**

Radhi Ram Advani	.. Applicant
vs	
Brihanmumbai Municipal Corpn	.. Respondent

Mr.Utsav Ghosh for Applicant
Ms.Madhuri More for BMC.

CORAM : K.K.TATED , J
DATE : 9th April, 2019

P.C

Heard learned counsel for the parties.

2. By this Civil Application, the applicant is seeking to set aside the order dated 7.5.2018 passed by the learned Registrar (Judicial-II) by which the Appeal from Order (St) No.815 of 2018 stood dismissed for non removal of office objections.

3. Learned counsel for the Applicant submits that in-advertently it remained on their part to remove the office objections. It is submitted that the Applicant undertake to remove all office objections within four weeks. He submits that this Hon'ble Court be pleased to condone the delay and the Civil Application be allowed. He submits that if the Civil Application is not allowed, then irreparable loss will be caused to them.

4. It is to be noted that in the present proceedings, office raised objections on 5.6.2018. Thereafter, the matter was appeared before the

learned Registrar on 26.6.2018, 17.7.2018 and 7.8.2018. On those days, nobody appeared on behalf of the Applicant before the learned Registrar. Hence, the Registrar passed the conditional order.

5. Considering the submissions made by the learned counsel for the Applicant and as the Applicant undertake to remove all office objections within a period of four weeks, I am satisfied that the Applicant has made out a case for allowing the Civil Application, but at the same time they have to pay costs of Rs.5000/-. Hence, the following order :

O R D E R

(A) Order dated 7.8.2018 passed by the learned Registrar (Judicial-II) is set aside.

(B) Appeal from Order (Stamp) No.815 of 2018 is restored on file for hearing on merits.

(C) The Applicant to remove all office objections on or before 3.5.2019, failing which the Civil Application shall stand dismissed without referring back to the Court.

(D) The Applicant to pay costs of Rs.5000/-.

(E) Costs to be deposited in Kirtikar Law Library, Ist Floor, High Court, Bombay on or before 30.4.2019 and place on record receipt to that effect, failing which the Civil Application shall stand dismissed without

referring back to the Court.

(F) Civil Application stands disposed of accordingly.

{K.K.TATED, J}