

3. Learned Advocate for the Applicant submits that due to miscommunication between the Advocate and Advocate's clerk, it remained on their part to remove the office objections within time. In support of his contention, he relies on para 10 and 11 of the Civil Application. Learned Advocate for the Applicant submits that they have a good chance of

success in the Appeal. He submits that the delay in filing the Civil Application may be condoned and the matter be restored on file so that the Applicant can remove all office objections within one week. He submits that irreparable loss will be caused to them if the same is not allowed.

4. It is to be noted that in the present proceedings though the conditional order was passed on 16.4.2016, the present Civil Application is filed on 11.12.2018 i.e. after more than 2 years and 208 days. Explanation given by the Applicant in the Civil Application is not satisfactory.

5. Considering the reasons given by the Applicant as there was miscommunication on the part of the Advocate, and because of mistake on the part of advocate the Applicant should not suffer, application is allowed but at the same time the Applicant should pay costs of Rs.10,000/-. Hence the following order :

ORDER

(A) Order dated 16.4.2016 passed by this Court in Appeal from order (St) No.32540 of 2016 is recalled.

(B) Appeal from Order (St) No.32540 of 2015 is restored on file for hearing on its own merits.

(C) The applicant to remove all office objections on or before 2.5.2019 failing which the Civil Application shall stand dismissed without referring back to the Court.

(D) The Applicant to pay costs of Rs.10,000/-.

(E) Costs to be deposited in Kirtikar Law Library, Ist Floor, High Court, Bombay on or before 30.4.2019 and shall 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}