

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.74/2019
in
Misc. Civil Application (ST) No.33572/2017

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

Court's or Judge's orders.

Mr. Nitin B. patil i/b. Hulyalkar & Assocaites Law Firm
for the Applicant

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

P.C.

1 Heard.

2 The Applicant is permitted to delete the name of Respondent No.2 State of Maharashtra from the array of the parties in the Civil Application and the Misc. Civil Application.

3 By this Civil Application the Applicant is seeking to set aside the order dated 21.06.2018 passed by the Registrar Judicial (II) by which the Misc. Civil Application No.33572/2017 was dismissed for non removal of office objections.

4 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 is ready and willing to remove all office objections within four weeks from today. He submits that the Applicant has good chance of success in the

matter. He submits that the Applicant, by this Misc. Civil Application filed u/s.24 of the Code of Civil Procedure, 1908 seeking direction from this court to transfer the M.P.No.47/2017 filed by Respondent no.1 before the Family Court at Thane to Family Court at Pune. He submits that if the Civil Application is not allowed, irreparable loss will be caused to them. He submits that in the interest of justice, this Hon'ble Court be pleased to condone the delay in filing the Civil Application and the matter be restored to file for hearing on merits.

5 It is to be noted that the Misc. Civil Application had appeared before the Registrar Judicial (II) on 27.03.2018, 25.04.2018 and 21.06.2018 when none appeared for the Applicant. Hence, the Registrar has passed the conditional order.

6 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Civil Application and because of mistake on the part of the Applicant, the litigant should not suffer, I am satisfied that the Applicant has made out a case for allowing the present Civil Application, however, on payment of costs of Rs.2500/-.

7 Hence, following order is passed

a. Order dated 21.06.2018 passed by the Registrar Judicial (II) is set aside.

- b. Misc. Civil Application (ST) No.33592/2017 is restored to file for hearing on merits.
- c. The Applicant is directed to remove all office objections on or before 26.07.2019 in Misc. Civil Application failing which the said Misc. Civil Application shall stand dismissed without further reference to the court.
- d. The Applicant shall pay costs of Rs.2500/-.
- e. The costs shall be paid to Kirtikar law library on or before 29.06.2019, 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.)