

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION**

**CHAMBER ORDER NO. 250 OF 2018
IN
WRIT PETITION (L) NO. 2807 OF 2017**

Anjuman-I-Islam

..Petitioner

Vs.

The State of Maharashtra and Ors.

..Respondents

Ms. Madhavi Ayyapan a/w Mr. Dnyaneshwar Kale i/b Talekar and Associates for Petitioner.

Mr. Javed Akhtar Khan i/b Pradeep J. Ramchandani for Respondent No. 5;

Mr. Rakesh Kumar a/w Ms. Kajal Tallapalli i/b M/s. Legal Vision for Respondent No. 6;

Mr. Zia-ul-mustafa for Respondent No. 7;

Mr. Rizwan Merchan i/b Ramiz Shaikh for Respondent No.8.

CORAM : K.R.SHRIRAM, J.

DATE : 22nd FEBRUARY, 2019

P.C.:

1. This chamber order is filed for restoration of writ petition that came to be dismissed pursuant to order dated 28th February, 2017 passed by the Prothonotary and Senior Master, High Court, Bombay. The Prothonotary and Senior Master had directed petitioners and or their advocates to remove all office objections and get the petition numbered on or before 26th December, 2017, failing which, petition stands rejected under Rule 986 of Original Side Rules.

2. It seems that the petitioners have not removed the office

objection and hence petition came to be dismissed by the self-operative order.

3. Petitioner has filed this chamber order with affidavit in support for seeking restoration of the petition. The advocate representing petitioner has filed an additional affidavit in support of chamber order affirmed on 14th February, 2019. The advocate states that because she personally saw and took inspection of records and proceedings, the additional affidavit has been filed by her on behalf of the applicant.

4. It is stated in the additional affidavit that it appears all office objections have been cleared but the date is not mentioned. The learned counsel states that if for any reasons there are any other objections which have remained, due to inadvertence, uncleared, the same will be complied with on or before 1st March, 2019.

5. In the affidavit in reply, the present chamber order has taken a different colour. There have been serious allegations made against petitioner in view of manipulation of documents in the petition. In the rejoinder, of course, it has been denied and counter allegations have been made against some of the respondents. In my view, these have no place in a restoration application and what the Court is required to consider is whether petitioner, seeking restoration, has given satisfactory explanation for non-removal of office objection.

6. For reasons mentioned in para 4 above, I am satisfied with the

explanation given. I am inclined to, and hereby, restore the petition.

7. Petitioner to donate sum of Rs. 10,000/- to National Defence Fund (NDF), State Bank of India, Institutional Division, Parliament Street, New Delhi, Account No.:- 11084239799, www.pmindia.nic.in and this amount to be paid within two weeks from today and the compliance affidavit to be filed in the registry in this proceeding.

8. It is open to petitioner and respondent to raise all allegations raised in their affidavit in reply and rejoinder to this chamber order in appropriate proceedings.

9. Chamber order accordingly stands disposed.

10. Petition to be listed before the appropriate Court. It is made clear that the petition is restored to the file, subject to compliance of all office orders as directed above.

(K.R. SHRIRAM, J.)