

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

COMPANY APPLICATION NO. 340 OF 2019

In

COMPANY PETITION NO. 814 OF 2015

**Gajendra Kumar,
Proprietor of M/s. L.G.Steels**

..... Applicant

IN THE MATTER BETWEEN

**Gajendra Kumar,
Proprietor of M/s. L.G.Steels**

..... Petitioner

VERSUS

Gammon India Ltd.

.... Respondent

Mr.Vishal Pattabiraman, i/b. Ms.Bharti R. Singh for the Applicant.

Ms.Shruti Kanade, a/w. Ms.Nidhi Singh, i/b. M/s.Negandhi Shah & Himayatullah for the Respondent.

CORAM : R.D. DHANUKA, J.

DATE : 19th DECEMBER, 2019

P.C.

By this application, the applicant seeks condonation of delay of 269 days in filing company application and seeks recall of the order dated 20th June, 2018 and seeks restoration of the said Company Application (L) No.192 of 2018 which is dismissed for default by the learned Prothonotary and Senior Maser for non removal of the office objection.

2. Learned counsel for the applicant invited my attention to the averments made in the affidavit in support of the company application

and also to the photocopies of the passport of the learned advocate on record who was travelling abroad during the period between 16th October, 2017 to 16th January, 2018.

3. In paragraph (11) of the affidavit in support, the applicant has explained as to why the learned advocate on record was required to go abroad. Though delay is not sufficiently explained, in the interest of justice and in view of the fact that the learned advocate was travelling abroad and could not remove office objections within the time prescribed, I am inclined to set aside the said order passed by the learned Prothonotary and Senior Master on 20th June, 2018 and to condone delay of 269 days on condition that the applicant pays a cost of Rs.25,000/- to the respondent within four weeks from today. It is made clear that if the amount is not paid as directed within four weeks from today to the respondent, the order passed by this court in terms of prayer clauses (a) and (b) to stand vacated without further reference to court. Office objections, if any, shall be removed within four weeks from today.

3. Company application is made absolute in terms of prayer clauses (a) and (b) subject to aforesaid condition.

4. A copy of the receipt showing payment of cost shall be produced before the Company Registrar within one week from the date of making payment.

[R.D.DHANUKA, J.]