

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

Notice of Motion No.617/2019

in

Appeal (ST) No.144/2013

Suruchi Chand & Ors.

..... Applicants

Vs.

Western India Glass Works Ltd. & Ors. Respondents

with

Notice of Motion No.619/2019

in

Appeal (ST) No.145/2013

with

Notice of Motion No.621/2019

in

Appeal (ST) No.143/2013

Mr. Raj Patel i/b. Mulani & Co. for the Applicant

Ms. Madhulika Murthy with Ms. Krisha Jethani for
Respondent Nos.1 to 5.

CORAM: K.K.TATED &

SARANG V. KOTWAL,JJ.

DATED : NOVEMBER 4, 2019

P.C.

1 Heard. By these Notices of Motion the Applicants are seeking condonation of delay in filing the Notice of Motion for setting aside the conditional order dated 18.01.2019 passed by the learned Prothonotary & Senior Master of this court by which all these three appeals stood dismissed for non removal of office objections.

2 The learned counsel for the Applicant submits that inadvertently, it remained on their part to remove all office objections within time. He submits that vide order dated 18.01.2019 the Applicants were directed to remove all office objections within three weeks from the date of deciding their Notices of Motion for condonation of delay. He submits that the Notices of Motion for condonation of delay were decided by this court on 24.04.2019. He submits that in the interest of justice, this Hon'ble Court be pleased to condone the delay in filing the Notices of Motion and allow the Applicant to remove all office objections within stipulated time. He submits that if the Notices of Motion are not allowed, irreparable loss will be caused to the Applicant.

3 On the other hand, the learned counsel for the Respondent has vehemently opposed the Notices of Motion. She submits that the Applicant has failed to show sufficient cause for condonation of delay in filing the Notices of Motion. Hence, there is no substance in these Notices of Motion and same are required to be rejected.

4 Considering the submissions made by the learned counsel for the Applicant and the averments made in the affidavits in support of the Notices of Motion, we are satisfied that the Applicant has made out a case for allowing all these Notices of Motion.

5 Hence, following order is passed:

a. Delay in filing the Notices of Motion is condoned.

- b. Conditional order dated 18.01.2019 passed by the learned Prothonotary & Senior Master is set aside.
- c. The Applicant is directed to remove all office objections on or before 16.11.2019, failing which the Notices of Motion shall stand dismissed without further reference to the court.
- d. The Notices of Motion stand disposed of accordingly.
- e. No order as to costs.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)