

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

**NOTICE OF MOTION NO. 494 OF 2015
IN
WRIT PETITION (L) NO.2647 OF 2015**

Seva Co-Operative Housing Soc. Ltd.
And others. ..Applicants.

IN THE MATTER BETWEEN
Seva Co-Operative Housing Soc. Ltd.
And others. ..Petitioners.
Versus
The State of Maharashtra & Ors. ..Respondents.

Mr. Jayesh Bhatt, Advocate for Applicants/Petitioners.
Mr. Abhijit Patil i/b. Vijay D. Patil, for Respondent Nos.4 & 5.
Ms. Uma Palsuledesai, AGP for State.

CORAM : K. K. TATED &
SARANG V. KOTWAL, JJ.
DATED : 20th JANUARY, 2020.

PC :

1. Heard the learned counsel for the parties.
2. Learned Advocate Mr. Jayesh Bhatt for the applicants submits that, all the respondents are duly served. He undertakes to file an affidavit of service within one week from today. Same is accepted.
3. By this Notice of Motion, the applicants are seeking to set aside the conditional order dated 27/10/2015 passed

by the Learned Prothonotary and Senior Master, High Court, Bombay, by which the Writ Petition stand dismissed for non removal of office objections.

4. Learned counsel for the applicants submits that all office objections are already removed. He submits that because of English translation of Marathi document there was delay on the part of applicants to remove all office objections in time. In support of this contention, the learned counsel for the applicants relies on paragraph 2 of the affidavit in support of Notice of Motion. He submits that, in the interest of justice, this Hon'ble court be pleased to allow the Notice of Motion and the matter to be heard on its own merit.

5. Considering the submissions made by the learned counsel for the applicants and the averments made in paragraph 2 of affidavit in support of Notice of Motion, we are satisfied that the applicants have made out a case for allowing this Notice of Motion.

6. Hence, the following order:

- a) The order dated 27/10/2015 passed by the learned Prothonotary and Senior Master, by which the Writ Petition stand dismissed is set aside.
- b) Applicants to remove all office objections, if any, on or before 31/01/2020, failing which the Notice of

Motion shall stand dismissed without referring back to the court.

- c) The Notice of Motion made absolute accordingly.
- d) No order as to costs.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)
