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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.361 OF 2021
IN
WRIT PETITION NO.1164 OF 2019**

Sharad Dagadu Deshmukh .. Applicant

vs.

The State of Maharashtra & Ors. .. Respondents

.....

Mr.Mahindra B. Deshmukh for the Applicant

Mrs.P.J.Gavhane, A.G.P. for the State

.....

**CORAM: K.K.TATED &
R.I.CHAGLA, JJ.
DATED : FEBRUARY 22, 2021**

P.C.

. Heard.

2. By this Application, Applicant original Petitioner is seeking to set aside the conditional order dated 25.09.2019 passed by concerned Registrar (Judicial-I) in Writ Petition No.1164 of 2019 by which matter stands dismissed for non-removal of office objections.

3. The learned counsel for the Applicant submits that it is not necessary to issue notice to the Respondents because

neither the Petition is admitted nor notices are issued to the Respondents.

4. The learned counsel for the Applicant submits that it remained on his part to appear before the Registry on 25.09.2019 for want of knowledge. Hence, it remained on their part to remove office objections. In support of this contention, the learned counsel for the Applicant relies on paragraph 4 of the Interim Application which reads thus:

“4. The Applicants states and submits that in view of the above order the Petitioner was suppose to remove the office objections within the time granted by the Hon’ble Registrar Judicial-I. The Applicants states that as due to oversight the Applicants advocate could not trace the matter on board dated 25.09.2019 and hence was not aware about passing of the conditional order. Therefore, the Applicants Advocate could not remove the office objection within the time granted by the Hon’ble Registrar Judicial-I.”

5. The learned counsel for the Applicant submits that in the interest of Justice, this Hon'ble Court be pleased to set aside the order dated 25.09.2019 passed by Registrar (Judicial-I) and restore the matter on board for hearing on its own merits. He further submits that Applicant undertakes to remove all office objections within two weeks from today.

6. It is to be noted that in the present proceedings, matter appeared before the learned Registrar on

19.07.2019, 13.08.2019 and 04.09.2019 when no one appeared on behalf of Applicant / Petitioner. Hence concerned Registrar by conditional order on 25.09.2019 directed Applicant to remove all office objections within time, failing which Writ Petition to stand dismissed.

7. As no one appeared on behalf of Applicant before the Registrar for 3 times and considering the submissions made by the learned counsel for the Applicant, we are satisfied that the Applicant has made out a case for allowing the Interim Application but at the same time, Applicant to pay cost of Rs.5,000/-. Hence, the following order is passed:

- a. Order dated 25.09.2019 passed by the Registrar (Judicial-I) is set aside.
- b. Writ Petition No.1164 of 2019 is restored on file.
- c. Applicant to remove all office objections in Writ Petition on or before 20.03.2021 failing which Interim Application stands dismissed without referring back to the Court.
- d. Applicant to pay cost of Rs.5,000.
- e. Cost to be deposited in the Kirtikar Law Library on or before 02.03.2021 and place on record receipt to that effect, failing which Applicant shall stand dismissed without referring back to the Court.

- f. Interim Application stands disposed of accordingly.

(R.I.CHAGLA, J.)

(K.K.TATED, J.)