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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.10289 OF 2022
IN
SECOND APPEAL (L) NO.11679 OF 2021**

Sheth Infraworld Pvt. Ltd.	... Applicant
V/s.	
Manoj Gagvani	... Respondent

Ms. Pavitra Pillay i/b Ms. Pragathi B. Malle for the Applicant.
Mr. Satish Dedhia for the Respondent.

**CORAM : S. M. MODAK, J.
DATED : 25TH JULY 2022.**

PC:-

1. Heard learned Advocate for the Applicant and learned Advocate for the Respondent.
2. As permitted by this Court on 8th July 2022, the Respondent has filed an Affidavit in Reply, its copy is served on the Applicant.
3. The learned Registrar Judicial-II as per the order dated 24th March 2022 passed the conditional order to refuse registration if the office objections are not removed within a period of four weeks. The Appellant could not remove the same. Now they want restoration of the Second Appeal. Even there is a delay in filing restoration Application.
4. My attention is also invited to the orders passed by the learned Registrar Judicial-II dated 21st December 2021 and 1st March 2022 by which the Appellant was already given three weeks time to remove office objections.
5. For the reasons stated in the Application, the Appellant could not remove office objections and now they are ready to remove the same.
6. It is submitted on behalf of the Respondent that there are

correspondence and protest made by them with the Appellant and with MahaRera Authorities thereby demanding supply of copies of the impugned Application and Appeals. The Respondent has also brought to notice of MahaRera Authorities, that deliberately, the Appellant is keeping the Appeal pending without doing needful. It is submitted on behalf of the Appellant that already they have handed over possession to the Respondent and this fact is admitted by the Respondent. According to the Appellant, the only issue which remains in this Appeal is payment of interest and for how much duration. It is submitted that the Appellant has rightly prayed possession of the property before the MahaRera Authority.

7. Even though it is presumed that the Appellant is delaying to complete procedure for the Second Appeal, certainly this Court has not granted any interim relief. At the same time the Respondent was free to press for execution before the MahaRera Authorities. So that objection cannot be accepted. Now the Appellant is ready to remove the objections. So subject to costs the order passed by the learned Registrar Judicial-II can be set aside. Hence I pass the following order :

O R D E R

- (a) The delay in filing restoration application is condoned.
 - (b) The order passed by the learned Registrar Judicial-II dated 24th March 2022 thereby refusing registration is set aside subject to payment of costs of Rs.5,000/- to be paid to the Respondent within a period of two weeks and also subject to removal of office objections within a period of two weeks.
8. Application is disposed of.

(S. M. MODAK, J.)