

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.91 OF 2022
IN
FIRST APPEAL (STAMP) NO.389 OF 2021

Lilitkumar Harilal Vibhakar] ... Applicant

Vs.

The Municipal Corporation of Greater]
Mumbai & Anr.] ... Respondents

ALONG WITH
INTERIM APPLICATION NO.95 OF 2022
IN
FIRST APPEAL (STAMP) NO.98555 OF 2020

Nitin Vasantraai Marchant] ... Applicant

Vs.

The Municipal Corporation of Greater]
Mumbai & Anr.] ... Respondents

ALONG WITH
INTERIM APPLICATION NO.101 OF 2022
IN
FIRST APPEAL (STAMP) NO.98829 OF 2020

Nila Mahendra Sanghvi] ... Applicant

Vs.

The Municipal Corporation of Greater]
Mumbai & Anr.] ... Respondents

ALONG WITH
INTERIM APPLICATION NO.96 OF 2022
IN
FIRST APPEAL (STAMP) NO.97373 OF 2020

Suryakant Bhiwa Chawan] ... Applicant

Vs.

The Municipal Corporation of Greater]
Mumbai] ... Respondent

ALONG WITH
INTERIM APPLICATION NO.102 OF 2022
IN
FIRST APPEAL (STAMP) NO.98899 OF 2020

Ambadas Anant Kapote] ... Applicant

Vs.

The Municipal Corporation of Greater]
Mumbai & Anr.] ... Respondents

ALONG WITH
INTERIM APPLICATION NO.100 OF 2022
IN
FIRST APPEAL (STAMP) NO.98544 OF 2020

Vrushali Pramod Rajpurkar] ... Applicant

Vs.

The Municipal Corporation of Greater]
Mumbai & Anr.] ... Respondents

ALONG WITH
INTERIM APPLICATION NO.97 OF 2022
IN
FIRST APPEAL (STAMP) NO.98133 OF 2020

Mukesh Shamalji Gode] ... Applicant

Vs.

The Municipal Corporation of Greater]
Mumbai & Anr.] ... Respondents

ALONG WITH
INTERIM APPLICATION NO.98 OF 2022
IN
FIRST APPEAL (STAMP) NO.98140 OF 2020

Narayan Hari Kumbhar] ... Applicant

Vs.

The Municipal Corporation of Greater]
Mumbai & Anr.] ... Respondents

...

Mr. Prashant Aher for the applicants.

Mr. Om Suryavanshi for the respondent-MCGM.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 26TH APRIL, 2022.

P.C. :-

1. The above interim applications seek restoration of the appeals, which were refused registration, in the wake of non-compliance of the conditional order passed by the learned Registrar (Judicial – II), on 13/10/2021. Time of three weeks was granted for removal of the office objection and since there was no compliance, registration was refused in all the eight appeals.

2. The order, which permitted objections to be removed within the stipulated period, has not been complied with and upon expiry of the said period, the registration was refused. The applications were taken out on 16/12/2021, a few days beyond the period of limitation.

3. On hearing the learned counsel for the applicants and on perusal of the applications, the reasons for delay as well as non-removal of office objections are found in paragraph Nos.8 to 10. In the application it is specifically averred that the building in which his lawyer's office is located was engulfed in fire and was not functioning due to non availability of electricity. This difficulty has projected as cause of non-removal of office objection.

4. The above reason convince me that the applications are filed *bona fide* and the order of the learned Registrar (Judicial II) could not be complied with, due to the reasons beyond the control of the learned counsel and his office clerk.

5. In my considered opinion, the applications deserve indulgence. Necessarily, all the interim applications are allowed by setting aside the order of refusing registration of appeals.

6. Subject to removal of office objections within eight weeks from today, the appeals are directed to be registered.

[SMT. BHARATI DANGRE, J.]