

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO.2689 OF 2022

IN

WRIT PETITION (L) NO. 3909 OF 2018

Parsee Gymkhana

..... Applicant

IN THE MATTER BETWEEN :

Parsee Gymkhana

.....Petitioner

VERSUS

State of Maharashtra & Ors.

..... Respondents

Mr.Nikhil Varma with Ms.Kushboo Rupani i/b M/s.HSA Associates for the applicant / Petitioner.

Mr.Amit Shastri, A.G.P. for the Respondent – State.

CORAM: R. D. DHANUKA AND

M.G. SEWLIKAR, JJ.

DATE : 24TH JUNE, 2022

P.C:-

By this interim application, the applicant prays for quashing and setting aside the order dated 9th July, 2019 passed by the learned Prothonotary and Senior Master dismissing the writ petition filed by the petitioner for not removing the office objections within the time prescribed.

2. We have perused the averments made in the interim application.
3. Mr. Shastri, learned A.G.P. for the State vehemently opposes this interim application on the ground that the delay of 942 days is not sufficiently explained. We have gone through the averments made in paragraphs 5 to 9 of the interim application. We are satisfied that the explanation tendered by the applicant for not removing office objections within the time prescribed and for delay in filing interim application.
4. Learned counsel for the applicant undertakes that if the order of the learned Prothonotary and Senior Master is set aside and if the petition is restored, the applicant would remove all office objections within two weeks from today. Statement is accepted. In view of the undertaking tendered by the learned counsel for the applicant and for the reasons recorded in the interim application, order passed by the learned Prothonotary and Senior Master dated 9th July, 2019 is set aside insofar as Writ Petition (L) No. 3909 of 2018 is concerned on the condition that the applicant shall remove all the office objections within two weeks from today. It is made clear that no further extension

of time would be granted. If the office objections are not removed within a period of two weeks from today, the order passed by the learned Prothonotary and Senior Master on 9th July, 2019 to stand restored and the order passed by this Court today to stand vacated without further delay.

5. Interim application is allowed in the aforesaid terms. No order as to costs.

6. The corrections that would be made, if any, by the applicant while permitting to remove office objections also shall be carried out to the copies supplied to the respondents within one week from the date of carrying out corrections.

7. If the applicant complies with the conditional order passed by this Court and if the petition is numbered, the respondents are directed to file affidavit in reply within three weeks from the date of carrying out amendment, if any, to the copies supplied to the respondents. Rejoinder, if any, to be filed within one week thereafter.

8. Place the writ petition on board for admission on **17th August, 2022.**

[M.G. SEWLIKAR, J.]

[R. D. DHANUKA, J.]