



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION (ST.) NO.24378 OF 2022
WITH
INTERIM APPLICATION NO.14317 OF 2023
IN
CIVIL REVISION APPLICATION (ST.) NO.24378 OF 2022

Toosif Allauddin Qureshi

... Applicant

In the matter between:-

Mrs.Lily Ambookan and ors.

... Applicants

Vs.

Mr.Stanny Jerom Corriea

... Respondent

Ms.Pooja Pandey, Advocate for the Applicants.

Ms.T.S.Ingale with Mr.C.M.Lokesh, Advocates for the Respondent.

CORAM : ABHAY AHUJA, J.

DATE : 19 AUGUST, 2023.

P.C. :

INTERIM APPLICATION NO.14317 OF 2023

1. This is an Interim Application seeking restoration of the Civil Revision Application that was dismissed on 1st December, 2022 for non-removal of office objections. There is a delay of 154 days in preferring this application for restoration.

2. Ms.Pooja Pandey, learned counsel for the Applicants would submit that

since the Applicant herein who is the Power of Attorney holder for the Applicants No.1 to 5 as well had suffered a knee fracture and was undergoing treatment and could not give instructions to the Advocate to remove the objections, therefore, the Revision Application came to be dismissed and thereafter, in the month of April the clerk of the Applicant's Advocate on going through the website came to know of the rejection of the Civil Revision Application due to non-removal of the office objections and this application came to be filed in the month of May, 2023. Learned counsel draws the attention of this court to paragraphs No.2 to 12 of the Interim Application for restoration in support of her contention to condone the delay and restore the Civil Revision Application.

3. Mr.Ingale, learned counsel for the Respondent would submit that he has no particular objection, if the delay is condoned and the Revision Application is restored. However, he submits that this application has been preferred only by Applicant No.6, whereas the same should have been preferred by all the six Applicants. To this, Ms.Pandey points out that the Applicants No.1 to 5 have given a Power of Attorney to Applicant No.6 and therefore, his name is mentioned as the Applicant in this application. The existence of Power of Attorney in favour of the Applicant herein by Applicants No.1 to 5 in the Revision Application is not disputed by the learned counsel for the Respondent.

4. Having heard the learned counsel and having perused the application, this court is of the view that there is sufficient cause in condoning the delay of 154 days in preferring this application. Let the delay be condoned. Let the Revision Application be restored to file.

5. The Interim Application is allowed in the above terms.

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6. Let the Civil Revision Application be listed on 13th September, 2023 for admission.

(ABHAY AHUJA, J.)