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

INTERIM APPLICATION NO. 19055 OF 2022

IN

REJECTED CASE NO. 281 OF 2013

Mrs. Shamim Firoz Khan & Anr.

....Applicants

Versus

General Manager,
Pune Municipal Corporation.

....Respondent

Mr. Yogesh Pande for the Applicants.
Mr. C. M. Lokesh for the Respondent.

CORAM : S. G. DIGE, J.

DATE : 9th MARCH 2023.

P.C. :

1. Heard learned counsel for the Applicants and learned counsel for the Respondent.

2. Learned counsel for the Applicants submits that the Applicants had filed Appeal against the dismissal of claim petition before this Court. The learned Registrar Judicial-II by order dated 25 August 2016 and 5 July, 2012 had directed the applicant to take steps

and to remove the office objections.

3. Learned counsel for the Applicants further submits that earlier advocate did not inform the claimants/Applicants about removal of office objections. There is death of claimant's son, he had filed claim petition for getting compensation which is rejected if appeal is not restored, it would cost irreparable loss to the claimant due to mistake of advocate Applicants should not be suffered. Hence, requested to allow the Application.

4. Learned counsel for the respondent strongly objected to allow the Application, on the ground that sufficient chances were given to the Applicants to remove the office objection in spite of that Applicants failed to remove the office objections, there is inordinate delay of more than nine years to file the Application. Hence, requested to dismiss the Application.

5. I have heard both learned counsel. Admittedly the claim petition filed by the Applicants for getting compensation is dismissed against which Applicants had preferred appeal before this Court. There were office objections but applicant could not remove the office objections within stipulated period. Hence, appeal is dismissed.

6. It is contention of learned counsel for the Applicants that

earlier advocate did not inform the Applicants about removal of office objections. Hence, Applicants could not come to know about removal of office objections and the said advocate informed the Applicants that appeal is pending. In my view, the Applicants claim petition is dismissed. It is necessary to give fair opportunity to the Applicants to put his side there is delay of more than nine years if the Applicants is succeed in the appeal Applicants would not entitled interest on delayed period, it would meet the ends of justice and I pass following order.

ORDER

- i. Application is allowed and disposed of in terms of prayer clauses (a), (b), (b-1) and (c). The order passed by the Registrar Judicial -II dated 5 July, 2012 and 25 August 2016 are quashed and set aside.
- ii. The Applicants shall give undertaking that they would not claim interest for delayed period in case if they succeed in the appeal. The Applicants to remove office objection within four weeks.
- iii. Leave to reconstruct the papers.

(S. G. DIGE, J.)