

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.54 OF 2023
IN
REJECTED CASE NO.700 OF 2019

Chimanlal Oswal Jain Trust
Through Shri B.H.Shaha and Ors.

...
**Petitioners/
Applicants**

Versus

The State of Maharashtra & Ors.

...**Respondents**

**Ms Devashri Karandikar, i/b Mr. Saurabh M. Railkar for the
Petitioners/Applicants.**

CORAM: Dr. Neela Gokhale, J.
DATED: 13th December 2023

PC:-

1. The application seeks to recall the order dated 4th October 2018 passed by the learned Registrar (Judicial I) and the consequent restoration of the Writ Petition to its original file to be decided on merits. She also seeks condonation of delay of 183 days in making the application for restoration.

2. Record shows that as many as three opportunities were given to the Applicants/Petitioners to remove the office objections.

Despite the opportunities, Applicants/Petitioners failed to take steps to remove the office objections to register the Writ Petition.

3. I have gone through the averments in the Application. The Writ Petition was filed on 22nd August 2017 and the circulation was sought only on 2nd June 2019 for the purpose of listing the matter for admission. Some explanation is tried to be made out in respect of cancellation of registration of advocate's clerk and other such pretext to justify failure on the part of the Applicants/Petitioners to remove office objections. There is no justifiable or reasonable ground made out to explain as to why the office objections were not removed despite opportunities being given for the same and also for not making the restoration application within a period of limitation.

4. Nevertheless, as an indulgence and to avoid hardship to the litigant, the order of 4th October 2018 passed by the learned Registrar (Judicial I) dismissing the Writ Petition is re-called and the Writ Petition is restored to the file to be heard on merits subject to the cost of Rs.5,000/- to be paid to the Maharashtra Legal Aid Services Authority. Delay of 183 days in making the application for restoration is also condoned.

5. Civil Application is, accordingly, disposed of.

(Dr. Neela Gokhale, J)