



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**CIVIL REVISION APPLICATION NO.645 OF 2016**

Rajendrakumar Markandey Pandey

... Applicant.

**Versus**

B.L. Ruia Trust and Ors.

... Respondents.

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Mr. Pranesh, Advocate for the Applicant.

Mr. Ram U. Singh, Advocate for the Respondent Nos.4 and 5.  
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**CORAM : SHARMILA U. DESHMUKH, J.**

**DATE : DECEMBER 19, 2023.**

**P. C.:**

1. Civil Revision Application has been preferred against the order dated 30<sup>th</sup> October, 2012 dismissing the Appeal filed by the Applicant for non-removal of office objections.

2. The suit was instituted by the Applicant-tenant seeking declaration of tenancy which came to be dismissed vide judgment and decree dated 27<sup>th</sup> April, 2011, as against which the appeal has been preferred by the Petitioner. As the office objections were not removed, the appeal came to be dismissed.

3. The office noting indicates that the lethargy with which the proceedings are conducted. The Revision Application has been filed in the year 2016 and in 2023 is being taken up for hearing, as no

prompt efforts were made for serving the respondents. It is expected that in matters of this nature, prompt and diligent steps are taken to ensure that by the delay the right accrued by virtue of the dismissal of the suit for declaration of tenancy is not vitally affected.

4. Office noting indicates that Respondent Nos.2 and 3 were deleted, Respondent Nos.4 and 5 are represented by Mr.Singh, Respondent Nos.1 and 6 are served and Respondent No.7 is served by publication. It took a period of almost seven years for serving the Respondents. The appeal has been dismissed for non-removal of office objections, which reflects in the manner in which the entire proceedings have been conducted. Although considering the manner in which the proceedings are conducted, the Revision Application deserves to be dismissed, however, considering that the litigant should not suffer on account of negligence on part of his Advocate, I have refrained myself from doing so. As the Appeal is dismissed for non-removal of office objections, in my view, in the interest of justice, the order is required to be recalled to enable the parties to contest the Appeal on merits.

5. The impugned order dated 13<sup>th</sup> October, 2012 is quashed and set aside, subject to payment of costs of Rs.10,000/- to be paid

by the Applicant to the Respondent No.1-Trust within a period of two weeks from today. The office objections are directed to be removed by the Applicant within a period of two weeks from today. In event, the office objections are not removed within prescribed period, no further application on behalf of the Applicant will be entertained. Civil Revision Application is allowed in the above terms.

( Sharmila U. Deshmukh, J.)