



Jose

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO.29 OF 2023

IN

STAMP NUMBER (APPLN.) NO.3828 OF 2018 (F)

BABUSO TATO TARI NAIK (DEC) THR.

HIS LRS

... APPLICANTS

Versus

THE EXECUTIVE ENGINEER, DIV II,

PWD PONDA

... RESPONDENT

Mr Pranav Vaze, Advocate for the Applicants.

CORAM:- VALMIKI MENEZES, J.

DATED :- 27th September, 2024

P.C.:

1. This application arises since the Registrar vide his order dated 24.01.2020 had directed that if the cross objector did not clear the office objections raised by the Registry within a period of three weeks from the date of the order, the cross objections would not be admitted to the Registry.

2. Though the present application has been filed to set aside the Registrar's order, the same may be disposed of on the basis of following facts which are noted for the record.

3. The Petitioner filed cross objections under Stamp

No.3828/2018(F) in First Appeal No.141/2018, in which several objections were raised by the Registry. An endorsement was made by the Advocate for the Objector on 20.12.2019 stating all objections had been cleared, after which the file was put up to the Section Head who noted that objection No.7 was not cleared and a certified copy of the order dated 17.08.2017 mentioned in the prayer was not annexed to the memo of prosecution.

4. On perusing the memo of prosecution, I note that objection No.7 which was to the effect that the exhibit number was not mentioned in the index, factually all exhibits are mentioned in the index; in the cross objection, there is no requirement under the Rules for annexing certified copy of the decree objected to since the same is annexed to the memo of First Appeal. Accordingly, neither of the objections raised by the Registry arose in the matter. In that view of the matter, the Registry ought to have admitted the cross objection to the Register. Since the objections did not actually arise, there was no cause for the matter to be placed before the Registrar for orders.

5. Consequently, the Registry is directed to admit the cross objection under Stamp No.(Application) No.3828/2018(F) to the Register. The application is disposed of in the above terms.

VALMIKI MENEZES, J.