

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

**INTERIM APPLICATION NO.12057 OF 2024
IN
APPEAL FROM ORDER NO.269 OF 2021**

Priyanka Mahila Mandal

...Applicant

vs.

The Municipal Corporation of
Greater Mumbai

...Respondent

Mr. B. P. Shukla i/b Mr. J. S. Yadav for the Applicant.

Mr. Bhavik Manek with Ms. Seema Rawade for the Respondent-
Corporation.

CORAM : SHYAM C. CHANDAK, J.

DATED : 28th AUGUST, 2024

P. C. :

- 1) Heard. Perused the Application.
- 2) Present Application seeks condonation of 126 days delay in filing this Application. Further, it seeks to set aside/recall the Order dated 5th March, 2024 thereby refusing to register the aforesaid Appeal and to restore the Appeal to the stage of removing office objections.

3) Heard learned Advocate Mr. Shukla for the Applicant and learned Advocate Mr. Manek for the Respondent-Corporation.

4) Learned Advocate for the Applicant submitted that, the office clerk of the Advocate on record failed to remove the office objections in time. Resultantly, registration of the aforesaid Appeal has been refused by the impugned Order dated 5th March, 2024. He submits that, the Applicant shall not suffer for fault of the Advocate's clerk. He submits that, the Applicant is prepared to remove the office objections within one week.

5) Having regard to the aforesaid submissions, the Applicant deserves one opportunity to prosecute his Appeal, by removing the office objections at the earliest. However, considering the period of delay some cost shall be imposed on the Applicant. The Application deserves to be allowed, accordingly. Hence, the following Order :-

- (i) Application is allowed subject to payment of the cost of Rs.5,000/- to the Kirtikar Law Library within three days from the date of uploading this Order on the official website of this Court.

- (ii) On payment of the cost, the Appeal be restored to the stage of removing office objections. Thereafter, the office objections shall be removed within one week.
 - (iii) If the cost is not deposited within aforesaid period, the impugned Order shall automatically stand revived.
- 7) Application is disposed of in the aforesaid terms.

[SHYAM C. CHANDAK, J.]