

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.12369 OF 2024
IN
WRIT PETITION (ST) NO.2620 OF 2022

Jyoti Nagar Co.Op. Hsg. So. Ltd. & Ors. Applicants

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IN THE MATTER BETWEEN

Jyoti Nagar Co.Op. Hsg. So. Ltd. & Ors. Petitioners

V/s.

Shri.Vishwanath Devmane & Ors. Respondents

Mr.Girish Pawar i/b Mr.Samir Sarambalkar, for the
Applicants/Petitioners.

Ms.S.S. Jadhav, AGP, for Respondent No.5-State.

CORAM : R.M. JOSHI, J.

DATE : 26th SEPTEMBER 2024

P.C:-

. This Application is for condonation of delay of 8 months and 18 days in filing of the Application for setting aside order dated 2nd January 2024 dismissing Writ Petition Stamp No.2620 of 2022 for non-removal of office objection.

2. The learned counsel for the Applicant submits that,

the Respondents were not served with the notice in the original proceedings and such no notice is required to be served upon them in this Application. It is his contention that, considering the reasons mentioned in the Application the same deserves to be allowed.

3. Since, the Petition was dismissed at the stage of removal of objection and before issuance of notice to the Respondents, this Courts finds no impediment in entertaining the Application without issuing notice to the Respondent.

4. For the reasons mentioned in the Application, it can be said that, there was no deliberate and intentional act on the part of the Petitioner in not removing the office objection. The learned counsel for the Petitioner undertakes to remove office objection within three weeks from today.

5. In view of this, the Application deserves to be allowed and accordingly allowed in terms of prayer Clauses (a) and (b).

6. The Petition be restored to the stage of its dismissal.

7. The Petitioner to remove office objection within a

period of three weeks and failure thereto the Petition shall stands dismissed without reference to the Court.

(R.M. JOSHI, J.)