

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO. 100 OF 2024
IN
COMMERCIAL APPEAL (L) NO. 19226 OF 2023

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State of Maharashtra

..Applicant/Org. Appellant

Versus

Pinak Bharat and Co. & Ors.

.. Respondents

Ms. Jyoti Chavan, Addl. GP *for the Applicant/Appellant.*

Mr. Prerak Sharma a/w Nihir Dedhia *for Respondent Nos. 1 and 2.*

**CORAM : B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.**

DATE : JANUARY 23, 2024

P. C.

1. The above Interim Application is filed seeking a condonation of delay of 383 days in preferring the above Interim Application to quash and set aside the order dated 21st November, 2022 passed in the above Appeal, whereby the Appeal was rejected for non removal of office objections under Rule 986 of the Bombay High Court [Original Side] Rules, 1980.

2. The learned Advocate appearing for the Applicant/Original Appellant submitted that the only contesting parties are Respondent Nos. 1 and 2 and they have been duly served.

3. The learned Counsel appearing for Respondent Nos. 1 and 2 fairly stated that Respondent Nos. 1 and 2 have no objection if the delay is condoned and the above Appeal is restored to file.

4. In these circumstances, the above Interim Application is allowed in terms of prayer clauses (a) and (b) which read thus:

“(a) That this Hon’ble Court be pleased to condone the delay of 383 days (12 months 18 days) in preferring the above Interim Application in the interest of justice and equity.

(b) this Hon’ble Court be pleased to quash and set aside Order dated 21.11.2022, passed in the above Appeal whereby the above Appeal was rejected for non-removal of office objections under Rule 986 of High court Original Side Rules 1980, and this Hon’ble Court be further pleased to restore the above Appeal alongwith the Interim Application bearing Lodging No. 1570 of 2023, to the rank and file to this Hon’ble Court.”

5. Now that the Appeal is restored, the Appellant/Applicant shall remove all office objections within a period of two weeks from today.

6. The above Interim Application is disposed of in the aforesaid terms. No order as to costs.

7. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.]

[B. P. COLABAWALLA, J.]