

Before : Sachin B. Bhansali
Prothonotary and Senior Master

Date : 20th August, 2024

FOR HEARING AND FINAL DISPOSAL :

11. CHOL/221/2024) Ms. Priya Nigwekar i/b. Ms. Pallavi Chari, Advocate
in) for Applicant **(through V.C.)**
ARBAP(L)/33313/2022)
) Mr. Venis Las, Managing Trustee of Respondent Trust
) **(through V.C.)**

) P.C. : The present e-filed Chamber Order is taken
) out by the Applicant for setting aside Order dated
) 31.10.2023, rejecting captioned Arbitration
) Application under O.S.Rule 986 for non-removal of
) office objections.

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) Perused e-filed Chamber Order, Affidavit in Support
) of the Chamber Order and Response filed by
) Respondent. Heard Ld. Advocate for Applicant and
) Managing Trustee of Respondent Trust.

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) Ld. Advocate for Applicant submitted that there is
) delay of more than 60 days caused in filing
) captioned Chamber Order which is caused due to
) inadvertence on the part of erstwhile Advocate and
) the said reason is properly explained vide Para Nos.
) 6 and 7 of the Affidavit in support of Chamber
) Order. Hence, the delay may be condoned and the
) Application may be allowed to be restored to its
) lodging number.

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) It is contended in Para Nos. 6 & 7 of Affidavit in
) support, that on 31.10.2023 when the matter was
) listed for Rejection under O.S. Rule 986 before this
) Authority, Advocate could not remain present
) because the erstwhile Advocate who was handling
) the matter left the firm and before leaving, through
) oversight, he updated the date of the matter as
) 31.11.2023 instead of 31.10.2023. It is further

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) averred that the said fact came to be known to the
) Ld. Advocate in January 2024 and therefore, there is
) delay of 60 days in filing the present Chamber
) Order.

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) Upon hearing submissions made by Ld.
) Advocate for Applicant and considering the grounds
) raised in Affidavit, it is seen that there is delay of
) around 60 days caused in filing present Chamber
) Order, however, during the course of the hearing,
) Ld. Advocate submitted that due to miscalculation
) and inadvertence on the part of erstwhile Advocate,
) delay is caused and the same may be condoned. I
) have given thoughtful consideration to the causes
) canvassed by Ld. Advocate for the Applicant and the
) Managing Trustee of Respondent Trust.

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) Thus, under the given circumstances, in the interest
) of justice, delay caused in filing present Chamber
) Order, is condoned and the present Chamber Order
) is granted as prayed.

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) The Applicant to remove office objections on the
) Application and get the same numbered and/or
) registered within **two weeks** from the date of
) uploading of the order, failing the Application to
) stand rejected for non-removal of office objections
) under O.S.Rule 986.

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