

Before : Sachin B. Bhansali,
Prothonotary & Senior Master
Date : 23rd October, 2024

FOR HEARING AND FINAL DISPOSAL :

14 CHOL/239/2024) Mr. Nihar Chitre i/b. Dhanuka and Parnters,
in) Advocate for the applicant.
WPL/29977/2023)
)
) Ms. Heenal Wadhwa i/b. The Law Point,
) Advocate for respondent no. 1.
)
) P.C.: The present Chamber Order is taken out by
) the applicant for setting aside Order dated
) 20.02.2024, rejecting captioned Petition under
) O.S.Rule 986 for non-compliance of office
) objections.
)
)
) Ld. Advocate for the applicant submits that
) respondents were served with the Chamber
) Order as per Affidavits of Service, which are
) on record. Despite service, none appeared for
) and on behalf of the respondents, save and
) except, respondent no. 1.
)
)
) Heard ld. Advocates for the applicant and
) respondent no. 1. Perused Affidavit in Support
) to the Chamber Order. The contentions raised
) in paragraph no. 3 of Affidavit in Support are
) reproduced as under :-
) “ 3. I say that all the office
) objections raised by the Registry
) were cured by my Advocates,
) Dhanuka and Partners within the
) time frame provided by Order dated
) 20.02.2024 but still inadvertently,
) the Registry has dismissed the above
) captioned Writ Petition for purported
) non-removal of office objections.
) The lapse has been on part of the
) Department in not recording that the
) objections have been complied with
) and in not providing the final
) number within the specified time
) period. I undertake to follow up
) with the registry to register the Writ
) Petition within three weeks from the
) date of such Order”.

contd....) Perused record and proceedings of the Writ
CHOL/239/2024) Petition (L) No. 29977/2023, more
in) particularly, office objections raised by the ld.
WPL/29977/2023) Scrutiny Officer and endorsement given by the
) ld. Scrutiny Officer made on 26.12.2023. So
) also, perused Report submitted by the
) concerned ld. Scrutiny Officer in that respect.
) It shows that the applicant has not complied
) with office objections at sr. nos. 1, 2, 7 and 9.
)
) It is matter of record that captioned Petition
) was listed before this Authority on 20.02.2024
) for rejection of the petition under O.S.Rule
) 986 for want of compliance of office
) objections. On the said date, two weeks time
) to remove office objections was granted.
) Despite giving opportunity, the petitioner
) failed to remove office objections on the
) petition and get it finally numbered due to
) which petition got rejected under O.S.Rule
) 986. In view thereof, it is clear that the
) petitioner remained passive in non-removing
) office objections within time and now, by way
) of paragraph no. 3 of Affidavit in Support, as
) noted above, the petitioner made allegations
) on the Registry of this Court that despite
) removal of office objections, inadvertently, the
) Registry rejected the captioned petition.
) Hence, I do not find any substance in such
) allegations made by the petitioner.
)
) At this stage, ld. Advocate appearing for the
) petitioner tenders apology for contentions, as
) aforesaid, raised in paragraph no. 3 of
) Affidavit in Support and made a statement
) that he will personally look into the matter
) and comply office objections within given time
) if it is restored to file. Statement is accepted.
)
) In reply, ld. Advocate appearing for respondent
) no. 1 submits that captioned petition may be
) restored to file by imposing heavy cost.

3 Before : Sachin B. Bhansali,
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contd....)
CHOL/239/2024)
in)
WPL/29977/2023)

) Considering statement of ld. Advocate for the
) applicant/petitioner, as above, and submission
) of ld. Advocate for respondent no. 1, I am of
) the view that one opportunity needs to be
) given to the applicant to pursue with the
) captioned petition so that substantial justice
) can be taken care of. Moreover, except
) respondent no. 1, none appeared for rest of
) the respondents despite service. Therefore,
) apology tendered by ld. Advocate for the
) petitioner is accepted.
)

) Hence, in the interest of justice, the present
) Chamber Order is granted as prayed subject to
) payment of cost of Rs. 2000/-, to be payable to
) the ld. Advocate for respondent no. 1 within
) two weeks from the date of uploading of order.
) Chamber Order is signed separately.
)

) Upon payment of cost, as above, the petitioner
) to remove office objections on the Petition and
) get the same registered and/or numbered
) within four weeks from the date of uploading
) of order, failing Petition to stand rejected for
) non-compliance of office objections under
) O.S.Rule 986.
)

Date : 23.10.2024

Prothonotary and Senior Master

RAJEEV
VIJAY
ACHARYA
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signed by
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ACHARYA
Date:
2024.10.25
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