

Before : Sachin B. Bhansali,
Prothonotary & Senior Master
Date : 02nd July, 2024

FOR HEARING AND FINAL DISPOSAL :

22	CHOL/251/2024	)	Mr. Anoop Patil a/w. Ms. Urusa Narein,
	in	)	Advocate for the applicant.
	APPL/13278/2023	)	
		)	None present for the respondent.
		)	
		)	P.C.: The present Chamber Order is taken out by
		)	the applicant for setting aside Order dated
		)	07.02.2024, rejecting captioned Appeal under
		)	O.S.Rule 986 for non-removal of office
		)	objections.
		)	
		)	Ld. Advocate for the applicant tenders
		)	Affidavit of Service, which shows that
		)	Chamber Order was served upon respondent
		)	no. 1, however, in respect of respondent no. 2,
		)	tracking report shows that the 'Addressee
		)	Moved'. Said Affidavit of Service is taken on
		)	record.
		)	
		)	In respect of respondent no. 2, Ld. Advocate
		)	for the applicant made a statement that the
		)	address of respondent no. 2 mentioned in
		)	original Appeal Memo and present Chamber
		)	Order is one and same, on which respondent
		)	no. 2 accepted service of Appeal Memo. Ld.
		)	Advocate further made a statement that
		)	Respondent no. 2 has not informed about
		)	change of address either to Advocate or this
		)	Registry. Statements are accepted. Further,
		)	Ld. Advocate for the applicant submits that
		)	respondent no. 1/org. Plaintiff is the
		)	contesting party and respondent no. 2/org.
		)	Defendant is a formal party and therefore,
		)	service against respondent no. 2 may be
		)	dispensed with.
		)	
		)	It appears that despite service, none appeared
		)	for and on behalf of respondent no. 1, who is
		)	contesting party as per aforesaid Statement of
		)	Ld. Advocate for the applicant. Hence,

relying on Statements, as above, made by Id. Advocate for the applicant, service of present Chamber Order upon respondent no. 2 is dispensed with.

Heard Id. Advocate for the applicant. Perused Affidavit of the applicant, in which it is contended that all office objections were complied with within given period, and Interim Application (L) No. 10701/2024 for condonation of delay caused in filing captioned Appeal, was filed on 28.03.2024, which was the last date of removing office objections. Therefore, the applicant was under a bonafide impression that office objections were complied with. However, later on, on enquiry, the applicant came to know about rejection of captioned Appeal. Id. Advocate for the applicant submits that again he will go through compliance of office objections and office objections, if any, are remained to be complied with, he will comply it at the earliest, so also, he will pursue with aforesaid Interim Application diligently.

Reasons mentioned in the Affidavit, remain uncontested for want of appearance for and on behalf of respondent no. 1. Hence, I do not hesitate to rely on the contentions raised in the Affidavit. In view thereof, present Chamber Order is granted as prayed and signed separately.

The appellant to remove office objections, if any, on the appeal and get the same registered and/or numbered within four weeks from the date of disposal of Interim Application (L) No. 10701/2024 taken out for condonation of delay, failing appeal to stand rejected for non-compliance of office objections under O.S.Rule 986.