

Before : Sachin B. Bhansali,
Prothonotary & Senior Master
Date : 05th August, 2024

FOR HEARING AND FINAL DISPOSAL :

10	CHOL/326/2024	)	Mr. Mukund Pandya, Advocate for the
	in	)	applicant.
	WPL/9488/2023	)	
		)	None present for the respondents.
		)	
		)	P.C.: The present Chamber Order is taken out for
		)	setting aside Order dated 05.03.2024,
		)	rejecting captioned petition under O.S.Rule
		)	986 for non-compliance of office objections.
		)	
		)	Ld. Advocate for the applicants submits that
		)	the respondents were served with Writ of
		)	Summons as per Affidavit of Service dated
		)	26.07.2024, which is on record. Despite
		)	service, none appeared for the respondents.
		)	
		)	Heard ld. Advocate for the applicants. Perused
		)	Affidavit of the applicant, contents of which
		)	are self-explanatory. The grounds raised by
		)	the applicants in said Affidavit are, <i>(i) at the</i>
		)	<i>relevant time, applicant started residing at</i>
		)	<i>Kolkotta with his old aged mother due to</i>
		)	<i>death of applicant's father and therefore,</i>
		)	<i>applicant was not in regular touch with his</i>
		)	<i>Advocate, ii) Advocate on record got married</i>
		)	<i>in the month of December 2023, iii) In March</i>
		)	<i>2024, there was wedding of family friend of</i>
		)	<i>Advocate, and iv) Advocate's clerk could not</i>
		)	<i>attend office from 02.03.2024 to 10.03.2024</i>
		)	<i>due to his personal difficulties.</i> Ld. Advocate
		)	submits that for the aforesaid reasons, office
		)	objections could not be removed in time and
		)	delay of 60 days, caused in filing Chamber
		)	Order, which was not intentional, and
		)	therefore, prays for restoration of captioned
		)	Petition by condoning delay, stated as above.
		)	
		)	Reasons mentioned in the Affidavit, appear to
		)	be genuine and substantial justice cannot be
		)	denied on technical grounds. Moreover,
		)	contentions raised in Affidavit of the applicant,

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contd....	)	remain uncontested for want of resistance on
CHOL/326/2024	)	the part of the respondents. In my opinion,
in	)	the applicant has properly explained delay
WPL/9488/2023	)	caused in filing present Chamber Order and
	)	made out case for restoration of captioned
	)	Petition.
	)	
	)	For the forgoing discussion, in the interest of
	)	justice, 60 days delay, caused in filing present
	)	Chamber Order, is condoned, and the present
	)	Chamber Order is granted as prayed and
	)	signed separately.
	)	
	)	The petitioner to remove office objections on
	)	the petition and get the same registered
	)	and/or numbered within two weeks from the
	)	date of uploading of Order, failing petition to
	)	stand rejected for non-compliance of O.S.Rule
	)	986.

Date : 05.08.2024

Prothonotary and Senior Master

RAJEEV	Digitally signed
VIJAY	by RAJEEV
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	2024.08.05
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