

Before : Sachin B. Bhansali,
Prothonotary & Senior Master
Date : 22nd October, 2024

FOR HEARING AND FINAL DISPOSAL :

18 CHOL/337/2024) Mr. Yash Pandya and Krishna Kore i/b. Jayakar
 in) and Partners, Advocate for the applicant.
 WPL/28293/2022)
) Ms. Manisha Gawde, A.G.P for respondent no.
) 2 – State.
)
) P.C.: The present Chamber Order is taken out by
) the applicant for setting aside Order dated
) 14.02.2024, 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 respondents, save and except
) respondent no. 2.
)
) Heard ld. Advocate for the applicant. Perused
) Affidavit of the applicant. It is contended that
) inadvertently, Advocate on record misread the
) board and therefore, he was not aware about
) Conditional Order dated 14.02.2024 passed in
) the captioned Petition due to which office
) objections could not be removed in time. For
) the same reason, the applicant also seeks
) condonation of 113 days delay caused in filing
) present Chamber Order. Ld. Advocate
) appearing for the applicant tenders photocopy
) of Air Ticket of the petitioner and submits that
) the petitioner wants to travel out of India on
) 3rd November, 2024. Ld. Advocate further
) submits that captioned petition was filed for
) quashing of look out Notice, issued against the
) petitioner, for which the petitioner wants to
) move before the Hon'ble Court for appropriate
) directions in the captioned Petition. Hence, ld.
) Advocate for the petitioner prays for
) restoration of captioned Petition.

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contd....)
 CHOL/337/2024)
 in)
 WPL/28293/2022)

Ld. Advocate appearing for respondent no. 2 gives no objection for restoration of captioned Petition.

) Considering grounds mentioned in the
) Affidavit of the applicant, submissions of ld.
) Advocate for the petitioner, as above, and no
) objection given by ld. Advocate for respondent
) no. 2, I am of the view that the applicant has
) made out a case for restoration of captioned
) Petition. However, it appears that
) considerable delay of 113 days, caused in
) filing present Chamber Order. In my view, said
) delay needs to be compensated in terms of
) cost, to which ld. Advocate appearing for the
) applicant submits that he is ready to
) compensate aforesaid delay by depositing cost
) of Rs. 2,000/- to the Bombay Bar Association's
) Charitable Trust.
)

) In view thereof, delay of 113 days, caused in
) filing present Chamber Order, is condoned and
) the present Chamber Order is granted as
) prayed subject to payment of cost of Rs.
) 2,000/-, to be paid to the Bombay Bar
) Association's Charitable Trust within a week
) from the date of uploading of Order. The
) Chamber Order is signed separately.
)

) Upon payment of cost, 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 the petition to stand rejected
) for non-compliance of office objections under
) O.S.Rule 986.

Date : 22.10.2024

Prothonotary and Senior Master

RAJEEV
VIJAY
ACHARYA
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by RAJEEV
VIJAY
ACHARYA
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