

Before : Sachin B. Bhansali
Prothonotary and Senior Master

Date : 27th September, 2024

FOR HEARING AND FINAL DISPOSAL :

14. CHOL/391/2024) Ms. Prisca Fernandes i/b. Mr. Amit Tungare, Advocate
IN) for Plaintiff / Applicant
S(L)/1786/2023)
) None present for respondents.
-) P.C. : The present Chamber Order is taken out by the
) Plaintiff / Applicant for setting aside Order dated
) 17.10.2023, rejecting captioned Suit under O.S.Rule
) 986 for non-removal of office objections.
)
) Upon perusal of the Affidavit of Service, it appears
) that Chamber Order has duly been served upon
) Respondents. However, despite service, none
) appeared for the Respondents.
)
) Heard Ld. Advocate appearing for the applicant /
) plaintiff. Perused Chamber Order and Affidavit in
) Support to the Chamber Order, contents of which are
) self-explanatory. To get the order, in question, set
) aside, mainly, the plaintiff has averred that erstwhile
) Advocate failed to remove office objections though
) the plaintiff was in constant contact with the
) erstwhile Advocate, who only could assure to remove
) office objections and get the suit finally numbered.
) For the reasons stated in the Affidavit in Support to
) the Chamber Order and as the plaintiff was
) dependent on the advice of Ld. Advocate on record,
) one opportunity to remove office objections and get
) the suit finally numbered, needs to be given to the
) plaintiff. The plaintiff should not suffer for the
) inaction on the part of erstwhile Advocate, who
) represented the plaintiff in the suit at that time.
)
) With regard to 181 days delay caused in filing
) present Chamber Order, the applicant/plaintiff in his

Contd....

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) Affidavit in Support stated that the applicant was
) solely dependent upon the advice of the erstwhile
) Advocate on record, who remained passive in
) complying with the office objections within time.
) Due to which, the suit was rejected. It is only when
) the applicant could come to know about rejection of
) the suit for want of compliance when he engaged
) services of present Advocate, who immediately filed
) the present Chamber Order.
)
) For the forgoing discussion, I am of the view that the
) delay of 181 days, as above, is properly explained
) and therefore, the same is condoned and present
) Chamber Order is granted as prayed and signed
) separately.
)
) The plaintiff to remove office objections on the Suit
) and get the same numbered and/or registered
) within two weeks from the date of uploading of the
) order, failing the Suit to stand rejected for non-
) removal of office objections under O.S.Rule 986.
)
) Chamber Order is disposed of accordingly.
)

Date : 27.09.2024

Prothonotary & Senior Master

RAJEEV
VIJAY
ACHARYA
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by RAJEEV
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Date:
2024.09.30
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