

Before : Sachin B. Bhansali,
Prothonotary & Senior Master
Date : 03rd October, 2024

FOR HEARING AND FINAL DISPOSAL :

16	CHOL/399/2024	)	Mr. Jayesh Mestry, Advocate for the applicant.
	in	)	
	TPL/37144/2022	)	P.C.: The present Chamber Order is taken out by
		)	the applicant for setting aside Order dated
		)	28.03.2024, rejecting captioned petition for
		)	non-compliance of office objections under
		)	O.S.Rule 986.
		)	
		)	Heard Id. Advocate for the applicant. Perused
		)	Affidavit of the applicant. It is contended that
		)	the applicant resides at Chicago, Illinois and
		)	also in Mumbai, however, he was in
		)	continuous contact with his erstwhile
		)	Advocate with respect to captioned Petition,
		)	but, erstwhile Advocate failed to comply office
		)	objections within stipulated period due to his
		)	personal difficulties. It is further contended
		)	that at the relevant time, the applicant was not
		)	aware about Conditional Order passed in the
		)	matter and in the month of June 2024, Id.
		)	Advocate informed him about Conditional
		)	Order passed in the captioned petition. In the
		)	first week of July 2024, when he visited
		)	Mumbai, he engaged present Advocate, who
		)	immediately filed present Chamber Order,
		)	however, in the meantime, 82 days delay was
		)	caused in filing present Chamber Order, which
		)	was not intentional. Id. Advocate for the
		)	applicant made a statement that as on date,
		)	captioned petition is uncontested. Statement
		)	is accepted. Id. Advocate submits that he will
		)	pursue with the captioned Petition diligently if
		)	it is restored to file by condoning delay, caused
		)	in filing present Chamber Order.
		)	
		)	Grounds mentioned in the Affidavit, appear to
		)	be genuine and substantial justice cannot be
		)	denied on technical grounds. The delay, as
		)	above, caused in filing present Chamber Order
		)	is explained satisfactorily by the applicant.
		)	Therefore, in my opinion, one opportunity is

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contd....	)	required to be granted to the applicant to
CHOL/399/2024	)	pursue with the petition. Hence, the delay of
in	)	82 days, caused in filing present Chamber
TPL/37144/2022	)	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 three 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 : 03.10.2024

Prothonotary and Senior Master

RAJEEV
VIJAY
ACHARYA

Digitally signed by
RAJEEV VIJAY
ACHARYA
Date: 2024.10.03
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