

Before : Sachin B. Bhansali,
Prothonotary & Senior Master
Date : 15th October, 2024

FOR HEARING AND FINAL DISPOSAL :

21	CHOL/438/2024	)	Mr. Zaman Ali, Advocate for the applicant.
	in	)	
	WPL/2456/2023	)	Mr. Satish Kamat, Advocate for respondent no.
		)	1.
		)	
		)	None present for respondent nos. 2 and 3.
		)	
		)	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 Affidavit of Service, which is on
		)	record. Despite service, none appeared for
		)	and on behalf of respondent nos. 2 and 3.
		)	
		)	Heard ld. Advocate for the applicant. Perused
		)	Affidavit in Support and Additional Affidavit to
		)	the Chamber Order, explaining delay caused in
		)	filing present Chamber Order. It is contended
		)	that due to lack of communication with
		)	Advocate on record, office objections could not
		)	be removed within time. It is contended in
		)	Additional Affidavit that the applicant, being a
		)	senior citizen, is having health issues due to
		)	which delay of 159 days caused in filing
		)	present Chamber Order.
		)	
		)	Perused Affidavit in Reply filed by respondent
		)	no. 1, which is based on merits of the
		)	captioned Petition. Ld. Advocate appearing for
		)	respondent no. 1 gives no objection for setting
		)	aside Order dated 14.02.2024 passed in the
		)	captioned Petition and restoration of captioned
		)	petition.

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contd....	)	Reason mentioned in the Affidavit-in-Support
CHOL/438/2024	)	appears to be bonafide, and substantial justice
in	)	cannot be denied on technical ground.
WPL/2456/2023	)	However, it appears that considerable delay of
	)	159 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 High
	)	Court Legal Services Authority.
	)	
	)	In view thereof, delay of 159 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 High Court Legal
	)	Services Authority within two weeks from
	)	today. 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 : 15.10.2024

Prothonotary and Senior Master