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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 13073 OF 2024
IN
APPEAL FROM ORDER (ST) NO. 20702 OF 2022**

Ryberg Cyril Cosmas Henreques ... Applicant

Vs.

Kashmira Eruch Billimoria ... Respondent

Mr. Chirag Mody a/w. Mr. Rishikesh Soni and Ms. Vishakha Patel for
the Respondent.

CORAM : GAURI GODSE, J.

DATE : 28th JANUARY 2025

ORDER :

1. This application is for recalling order passed by the learned Registrar (Judicial-II) granting conditional time to remove office objections. There is delay in filing the application.

2. Learned counsel for the applicant submits that the appeal was filed by the appellant in person. He submits that the reasons for not removing office objections are explained in the application.

3. Learned counsel for the respondents raises objection that the appeal from order is not maintainable as the order challenged in the appeal is of rejection of the plaint under Order VII Rule 11 of the

Civil Procedure Code, 1908. Learned counsel for the appellant submits that the appeal from order be restored and the appellant be permitted to convert the Appeal from Order into First Appeal.

4. In the facts and circumstances of the case, delay is condoned and the application is allowed.

5. Appellant is permitted to convert the Appeal from Order into First Appeal. Amendment to be carried out within two weeks.

6. Appellant shall remove all the office objections, if any, after conversion of the Appeal from Order into first Appeal. Objections shall be removed within four weeks from conversion.

7. It is clarified that this application is allowed subject to appellant carrying out necessary amendment for conversion of Appeal from Order into First Appeal and removal of all office objections, if any, after conversion.

8. After amendment is carried out, office is directed to convert this Appeal from order into First Appeal.

[GAURI GODSE, J.]