

Before : Anil H. Laddhad
Prothonotary and Senior Master

Date : 28th February, 2025

FOR HEARING AND FINAL DISPOSAL :

36. CHOL/371/2024) Mr. Shabbir Jariwala i/b. M/s. Thakore Jariwala &
IN) Associates, Advocate for Applicant
EXA(L)/2837/2021)
) Ms. Purva Basrur i/b. M/s. D.M. Legal Associates,
) Advocate for Respondent
)
) P.C. : The present Chamber Order is taken out by the
) Applicant for setting aside Order dated 09.10.2023,
) rejecting captioned Application under O.S.Rule 986
) for non-compliance of office objections.
)
)
) 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 therein that
) office objections were complied with, however,
) present Application got rejected for non compliance
) of office objections. It is contended in Additional
) Affidavit that the Applicant, being a senior citizen, is
) not keeping well due to which delay of 155 days is
) caused in filing present Chamber Order.
)
) Affidavit of Service showing service of Chamber
) Order is already on record. Accordingly today, Ld.
) Advocate for the Respondent is present.
)
) Ld. Advocate for Respondent opposed for restoring
) the present Application as the reasons mentioned in
) Para No. 4,5 and 6 of Affidavit are vague and not
) sufficient.
)
) Reason mentioned in the Affidavit-in-Support
) appears to be bonafide, and substantial justice
) cannot be denied on technical ground. However,
) considering objection raised by Ld. Advocate for
) Respondent, in my view, the same needs to be
) compensated in terms of cost, to which ld. Advocate

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) appearing for the Applicant submits that he is ready
) to compensate by depositing cost of Rs. 5,000/- to
) the Respondent.
)
) In view thereof, delay of 155 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. 5,000/-, to be paid to the
) Respondent **within one week from today.** The
) Chamber Order is granted as prayed and signed
) separately.
)
) Upon payment of cost, the Applicant to remove office
) objections on the Application and get the same
) registered and/or numbered within **four weeks** from
) the date of payment of cost, failing the Application to
) stand rejected for non-compliance of office
) objections under O.S.Rule 986.

Date : 28.02.2025

Prothonotary & Senior Master

M.N.
Kadam

Digitally signed
by M.N. Kadam
Date:
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