

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**INTERIM APPLICATION NO. 2968 OF 2024
IN
WRIT PETITION (L) NO. 19125 OF 2023**

The Cosmos Co-operative Bank Ltd. ... Applicant/Petitioner

V/s.

Meghji Vaveeya and Ors. ... Respondents

Ms. Manshi Thakkar i/b. Raval - Shah & Co. for the Applicant/Petitioner

**CORAM : R.I. CHAGLA AND
FARHAN P. DUBASH, JJ.**

DATE : 25TH NOVEMBER 2025

P.C. :

1. By this Interim Application, the Applicant/Original Petitioner has sought restoration of Writ Petition (L) No. 19125 of 2023 and for grant of time to remove office objections in the captioned Writ Petition.

2. The Applicant has stated that the captioned Writ Petition along with other Writ Petitions were listed before the Prothonotary and Senior Master of this Court for rejection on 4th March 2024 in view of non-removal of office objections. By a conditional order passed on that date, a last chance had been given *inter-alia* to the Petitioner for removal of office objections and getting the Writ Petitions registered and/or numbered within two weeks from the date of uploading of the said order, failing which the Writ Petitions

were to be rejected under the High Court, Original Side Rules, 1986.

3. The Applicant has stated that on the aforementioned date, it was not aware of the captioned Writ Petition being listed before the Prothonotary and Senior Master. The Applicant has further stated that thereafter, on 26th March 2024, the captioned Writ Petition was listed before the Division Bench and could not be taken up due to paucity of time.

4. The Applicant states that due to change of assignments, the Applicant on 26th August 2024 checked on the Official Website of this Court if any date had been given for the captioned Writ Petition. On perusal of the Official Website, the status of the Writ Petition was shown as disposed of.

5. The Applicant has stated that accordingly the present Interim Application has been taken out for restoration of the Writ Petition. It is stated that the Applicant would be severely prejudiced if the prayers in the present Application are not granted.

6. Having considered the averments in the Interim Application as well as the fact that the Applicant was not aware of the captioned Writ Petition being listed before the Prothonotary and Senior Master of this Court on 4th March 2024. It is on that date that the conditional order was passed by the Prothonotary and Senior Master for removal of office objections within the stipulated time or else the Writ Petition would be rejected under

Rule 1986 of the Bombay High Court (OS) Rules. It is further noted that the captioned Writ Petition had thereafter been listed.

7. We consider this to be an appropriate case for directing restoration of the captioned Writ Petition.

8. In view thereof, we pass the following order :-

ORDER

(i) The Writ Petition (L) 19125 of 2023 is restored to file.

(ii) The conditional order of the Prothonotary and Senior Master of this Court dated 4th March 2024 pertaining to the captioned Writ Petition is set aside.

(iii) The Applicant is granted a period of four weeks to remove the office objections in the captioned Writ Petition.

(iv) In the event, the office objections are not removed within the stipulated time, the captioned Writ Petition will be rejected without further reference to the Court.

9. The Interim Application is accordingly disposed of.

(FARHAN P. DUBASH, J.)

(R.I. CHAGLA J.)