

Before : Anil H. Laddhad,
Prothonotary & Senior Master
Date : 22nd July, 2025

FOR HEARING AND FINAL DISPOSAL :

36 CHOL/302/2025) Ms. Baptista Dione Claire Robert, Advocate for
 in) the applicant.
 WPL/30112/2023)
) Ms. Manisha Gawde, A.G.P for respondent
) nos. 1, 2, 6 to 8.
)
) Ms. Mustafa Bohrar i/b. Solomon and
) Company, Advocate for respondent no. 3(c).
)
) Mr. D. V. Deokar I/b. Parimal Shroff and
) company, Advocate for respondent no. 4.
)
) P.C.: The present Chamber Order is filed by the
) applicant for setting aside Order dated
) 29.04.2025, rejecting captioned Petition under
) O.S.Rule 986 for non-compliance of office
) objections by condoning delay of 3 days
) caused in filing present Chamber Order.
)
) Heard Id. Advocate for the applicant. Perused
) Affidavit in Support to the Chamber Order
) filed by the applicant, contents of which are
) self-explanatory.
)
) The present Chamber Order is opposed by
) respondent nos. 3 (c) and 4. Respondent no. 4
) filed Affidavit in Reply. Perused the same. It is
) vehemently argued by respondent no. 3(c) and
) 4 that the petitioner wrongly calculated delay
) of 3 days, in fact, there is delay of 33 days
) caused in filing present Chamber Order. The
) petitioner assigned entire blame on the
) negligence of the clerk and even no sufficient
) reason has been assigned nor there is
) averment in the Chamber Order about delay.
) Hence, delay cannot be condoned and
) captioned Petition may not be restored to file.
)
) It is further argued that initially matter has
) been argued before the Hon'ble Court,

contd....) therefore, the present Chamber Order needs to
CHOL/302/2025) be entertained by the Hon'ble Court. In
in) alternative, it is argued that in the event delay
WPL/30112/2023) is condoned and captioned Petition is to be
) restored, then heavy cost to be imposed.
)
) I have heard both the sides extensively. Also
) perused record. It is not in dispute that after
) filing of Writ Petition by virtue of Order dated
) 08.11.2023, the petitioner was directed to
) remove office objections within stipulated
) period. Said Order was extended and finally
) on 29.04.2025, the petitioner was directed to
) remove office objections within period of four
) weeks. The effect of non-removal of office
) objections, is considered from 27.05.2025.
) The present Chamber Order is filed on
) 30.06.2025 hence, there is delay of only 3
) days and not of 33 days. Order of removal of
) office objections within stipulated period is an
) administrative order and The Hon'ble Full
) Bench of this Court, ***in the case of Prem
Siddha Co-Op. Housing Society Vs. High
Power Committee and other reported in 2016
(5) Mh.L.J., Page 778*** observed that this
) Authority has powers to restore the matter,
) rejected under O.S.Rule 986 for non-
) compliance of office objections. Therefore, the
) present Chamber Order cannot be required to
) be placed before the Hon'ble Court. Hence, I
) do not accept argument of the respondents
) that the present Chamber Order to be
) entertained by the Hon'ble Court.
)
) As far as objections regarding delay caused in
) filing present Chamber Order and sufficient
) reasons are concerned, it is settled law that it
) is not a number of days delay to be
) considered, but sufficient reasons has to be
) considered. At the same time, it is also settled
) law that negligence on the part of advocate,
) parties cannot be suffered. The petitioner
) assigned reason that due to inadvertence and

contd....) bonafide error on the part of clerk, office
CHOL/302/2025) objections could not be removed. I do not find
in) any reason that Advocate or his clerk has
WPL/30112/2023) intentionally caused delay or act against its
) own interest. Reasons assigned are on the
) affidavit. Hence, in the interest of justice, I am
) of the view that delay of 03 days caused in
) filing present Chamber Order needs to be
) condoned and captioned Petition needs to be
) restored to its original file. Inconveniency
) caused to the respondent nos. 3 (c) and 4 can
) be compensated by imposing cost. Hence, I
) proceed to pass following order :

The delay of 03 days caused in filing present Chamber Order is condoned and present Chamber Order is granted as prayed subject to payment of cost of Rs. 5,000/-, to the respondent nos. 3(c) and 4, equally. Chamber Order is signed separately.

The petitioner to remove office objections on the Petition and get the same numbered and/or registered within four weeks from the date of payment of cost, failing Petition to stand rejected for non-compliance of office objections under O.S.Rule 986.

Prothonotary and Senior Master

RAJEEV
VIJAY
ACHARYA

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signed by
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