

Before : Anil H. Laddhad,
Prothonotary & Senior Master
Date : 07th August, 2025

FOR HEARING AND FINAL DISPOSAL :

24	CHOL/380/2025	)	Ms. Pooja Yadav i/b. Jaykar and Partners,
	in	)	Advocate for the applicant.
	S/100/2021	)	
		)	P.C.: The present Chamber Order is taken out by
		)	the applicant for setting aside Order dated
		)	17.03.2025, rejecting captioned Suit for non-
		)	compliance of O.S.Rule 87.
		)	
		)	Ld. Advocate for the applicant tenders
		)	Affidavit of Service dated 07.08.2025, showing
		)	service of Chamber Order upon respondents,
		)	which is taken on record. Despite service, none
		)	appeared for the respondents.
		)	
		)	Heard Ld. Advocate for the applicant. Perused
		)	Affidavit in Support, contents of which are
		)	self-explanatory. It is contended that due to
		)	inadvertence/oversight, the applicant was
		)	unaware of the listing of the matter and
		)	therefore, no-one was present in the matter. It
		)	is further contended that now the applicant
		)	engaged new Advocate and prayed for
		)	restoration of captioned Suit by condoning
		)	delay of 49 days caused in filing present
		)	Chambe Order, which was unintentional,
		)	otherwise grave prejudice will be caused to the
		)	applicant.
		)	
		)	Since none appeared for the respondents,
		)	contentions raised in Affidavit remain
		)	uncontested. In my view, one opportunity is
		)	required to be given to the applicant. Hence, I
		)	rely on the contentions raised in Affidavit for
		)	the purpose of restoration of captioned Suit.
		)	However, it would be just and proper to
		)	impose certain cost on the applicant so that
		)	the applicant will pursue with the captioned
		)	Suit diligently. Hence, in the interest of
		)	justice, delay of 49 days caused in filing
		)	present Chambe Order is condoned and the
		)	present Chamber Order is granted as prayed
		)	subject to payment of cost of Rs. 5,000/- to

2

contd...

CHOL/380/2025)

in)

S/100/2021)

'The High Court Employees Medical Welfare Fund at Mumbai' – Bank of India, Mumbai (Main) Branch, Account No. 000120110001337, IFSC CODE : BKID0000001. Accordingly, Chamber Order is signed separately.

The plaintiff to take steps to serve defendants with Writ of Summons within two weeks from the date of payment of cost and file affidavit of service accordingly, failing suit against defendants will be dismissed for non-compliance of O.S.Rule 87. Office to issue fresh Writ of Summons, if required.

Date : 07.08.2025

Prothonotary and Senior Master

RAJEEV
VIJAY
ACHARYA

Digitally
signed by
RAJEEV VIJAY
ACHARYA
Date:
2025.08.07
18:18:40
+0530