

Before : Anil H. Laddhad,
Prothonotary & Senior Master
Date : 19th November, 2025

FOR HEARING AND FINAL DISPOSAL :

24	CHOL/517/2025	)	Counsel Mr. Chetan Shah a/w. Ms. Khushboo
	in	)	Rupani and Vineetha Khandelwal I/b. HSA
	APPL/547/2018	)	Advocates, Advocate for the applicant.
		)	
		)	Mr. Nirav Barot a/w. Shreya Satheesh i/b.
		)	Maneksha and Sethna, Advocate for
		)	respondent.
		)	
		)	P.C.: The present Chamber Order is filed by the
		)	applicant for setting aside Order dated
		)	31.01.2019, rejecting captioned Appeal under
		)	O.S.Rule 986 for non-compliance of office
		)	objections.
		)	
		)	Heard both ld. Advocates for parties. I have
		)	gone through the grounds set out in the
		)	Affidavit in Support of the applicant. It is
		)	contended that on the day of removal of office
		)	objections, clerk of Advocate on record passed
		)	away and thereafter, matter remain
		)	unattended and Advocate came to know about
		)	the matter in the month of September, 2025.
		)	Thereafter, they immediately moved Chamber
		)	Order and thus there is delay of 1019 days in
		)	filing present Chamber Order. The applicant
		)	contended that delay caused in filing present
		)	Chamber Order is not intentional and prayed
		)	to restore captioned Appeal.
		)	
		)	Ld. Advocate for the respondent strongly
		)	opposed the present Chamber Order on
		)	technical grounds that there is no provision of
		)	filing revised Chamber Order, which is
		)	reflecting from the praecipe. Secondly,
		)	reasons of delay are not sufficiently explained.
		)	Thirdly, ld. Advocate for the applicant was
		)	well aware of the order passed on 31.01.2019
		)	since they appeared in the matter. Lastly, he
		)	vehemently contended that captioned Appeal
		)	may not be restored to file.

contd....)
CHOL/517/2025)
in)
APPL/547/2018)

) After considering rival submissions of the
) parties and looking to the reasons assigned, I
) am of the view that the applicant has set out
) sufficient reasons for condonation of delay as
) well as for restoration of captioned Appeal.
) Therefore, I am of the considered view that if
) the captioned Appeal is not restored to file, the
) applicant will be thrown out of justice. On the
) contrary, no prejudice would cause to the
) respondent if captioned Appeal is restored to
) file since they can contest matter on its own
) merits. The delay caused in filing Chamber
) Order can be compensated by awarding cost.
) Hence, delay of 1019 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 be
) paid to the respondent.
)

) Upon payment of cost, captioned Appeal be
) restored to file and the appellant to remove
) office objections on Appeal and get the same
) registered and/or numbered within four weeks
) from the date of uploading of order, failing
) Appeal to stand rejected for non-compliance of
) Office objections under O.S.Rule 986.
)

) In the captioned Appeal, office objections were
) raised by the then Associate Mr. Talekar, who
) is now transferred. Therefore, matter be
) reassigned to the another scrutiny officer for
) raising office objections, if any.
)

Date : 19.11.2025

Prothonotary and Senior Master