

Before : Anil H. Laddhad,
Prothonotary & Senior Master
Date : 18th December, 2025

FOR HEARING AND FINAL DISPOSAL :

8	CHOL/593/2025	)	Mr. Jay Varia, Advocate for the applicant.
	in	)	
	EXAL/2206/2024	)	P.C.: The present Chamber Order is filed by the
		)	applicant for setting aside Order dated
		)	26.02.2025, rejecting captioned Execution
		)	Application under O.S.Rule 986 for non-
		)	compliance of office objections.
		)	
		)	Ld. Advocate for the applicant made a
		)	statement that respondent was served with the
		)	Chamber Order and Affidavit of Service dated
		)	16.12.2025 to that effect is filed on record on
		)	17.12.2025. Statement is accepted. Despite
		)	service, none appeared for the respondent.
		)	
		)	Heard ld. Advocate for the applicant. Perused
		)	Affidavit in Support and Additional Affidavit in
		)	Support, contents of which are self-
		)	explanatory. It is contended that the applicant
		)	is a senior citizen of 66 years old and earlier
		)	Advocate on record did not pay attention to
		)	his case due to which office objections could
		)	not be removed within given time, so also, for
		)	the same reason, delay of 184 days caused in
		)	filing present Chamber Order, which was not
		)	intentional. Hence, it is prayed that captioned
		)	Execution Application may be restored to file
		)	by condoning delay.
		)	
		)	Since none present for the respondent,
		)	contentions raised in Affidavit remain
		)	uncontested. I am of the view that the
		)	applicant should not suffer for the fault of
		)	Advocate and therefore, he should get one
		)	opportunity to pursue with the matter.
		)	Moreover, no prejudice would cause the
		)	respondent since they can contest Application
		)	on its own merits. However, it would be just
		)	and proper to impose certain cost on the
		)	applicant so that he would be more diligent in

2 Before : Anil H. Laddhad,
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contd....) pursuing captioned Application. Hence, in the
CHOL/593/2025) interest of justice, 184 days delay caused in
in) filing present Chamber Order is condoned
EXAL/2206/2024) and present Chamber Order is granted as
) prayed subject to payment of cost of
) Rs. 2,500/-, to be paid to the Bombay Bar
) Association's Charitable Trust. Accordingly,
) Chamber Order is signed separately.
)
)
) Upon payment of cost, captioned Execution
) Application be restored to file and the
) applicant to remove office objections of
) Application and get the same registered
) and/or numbered by **filing/uploading**
) **compliance praecipe** within **two** weeks from
) the date of payment of cost, failing Application
) to stand rejected for non-compliance of office
) objections under O.S.Rule 986.

Date : 18.12.2025

Prothonotary and Senior Master

Digitally signed by RAJEEV VIJAY ACHARYA
Date: 2025.12.18 15:47:04 +0530