

Before : Anil H. Laddhad,
Prothonotary & Senior Master
Date : 02nd December, 2025

FOR HEARING AND FINAL DISPOSAL :

13	CHOL/610/2025	)	Ms. Seema Hunnurkar and Associates,
	in	)	Advocate for the applicant.
	CTSL/2578/2023	)	
		)	Mr. Prasanna Pawar i/b. Shamim and
		)	Company, Advocate for the petitioner.
		)	
		)	P.C.: The present Chamber Order is e-filed by the
		)	applicant for setting aside Order dated
		)	19.09.2025, rejecting captioned Caveat under
		)	O.S.Rule 986 for non-compliance of office
		)	objections.
		)	
		)	Heard Id. Advocate for the applicant. Perused
		)	Affidavit in Support, contents of which are
		)	self-explanatory. It is contended that earlier
		)	Mr. V. M. Parkar, Advocate was attending the
		)	matter. However, owing to his old age and
		)	some health issues, he could not take
		)	necessary steps in the matter for removing
		)	office objections. It is further contended that
		)	now he has engaged present Advocate in the
		)	matter, who will pursue with the matter
		)	diligently. It is further contended that delay of
		)	08 days caused in filing present Chamber
		)	Order, which was not intentional. Therefore,
		)	it is prayed that captioned Caveat may be
		)	restored to the file by condoning delay.
		)	
		)	Ld. Advocate for the respondent/petitioner
		)	resisted present Chamber Order by filing
		)	Affidavit in Reply, mainly on the grounds that,
		)	no sufficient cause is shown in the Affidavit;
		)	contentions raised in the Affidavit are contrary
		)	and inconsistent with the true and correct
		)	facts; and there is delay of 37 days caused in
		)	filing present Chamber Order, which was not
		)	explained satisfactorily because of which
		)	present Chamber Order is required to be
		)	dismissed with cost.

contd....

CHOL/610/2025
in
CTSL/2578/2023

) Upon hearing rival contentions of both the
) sides, I am of the view that the applicant has
) shown sufficient cause in his Affidavit for the
) purpose of restoration of captioned Caveat.
) Furthermore, substantial justice cannot be
) denied on technical ground. I am of the view
) that the applicant should get one opportunity
) to pursue with the matter. No prejudice would
) cause to the respondent/petitioner since the
) petitioner can contest matter on its own
) merits. At this stage, if captioned Caveat is not
) restored to file then the applicant will be
) thrown out of justice. Further, as per record,
) the present Chamber Order was required to be
) filed within thirty days from the date of
) rejecting the matter by the office i.e. after
) expiring period of two weeks, granted vide
) Order dated 19.09.2025. Accordingly,
) Chamber Order was required to be lodged on
) or before 03.11.2025, however, it was lodged
) on 15.11.2025. So there is mere delay of 12
) days in filing present Chamber Order, which is
) considerable and it can be condoned. In
) view thereof, in the interest of justice, I
) consider present Chamber Order favourably.
) However, it would be just and proper to
) impose certain cost on the applicant so that
) the applicant would be more diligent in
) pursuing with the matter. Hence, the present
) Chamber Order is granted as prayed subject to
) payment of cost of Rs. 5,000/- to the
) petitioner within three days from the date of
) uploading of order.

) Upon payment of cost, captioned Caveat be
) restored to file and the applicant to remove
) office objections of Caveat and get the same
) registered and/or numbered within two weeks
) from the date of payment of cost, failing
) Caveat to stand rejected for non-compliance of
) O.S.Rule 986.

Date : 02.12.2025

Prothonotary and Senior Master