

KANCHAN
PRASHANT
DHURI

Digitally signed
by KANCHAN
PRASHANT
DHURI
Date:
2025.11.12
14:40:52 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO. 5924 OF 2025

IN

EXECUTION APPLICATION (L) NO. 22003 OF 2024

V Rajgopal, Partner of erstwhile
Harishree Enterprises

... Applicant

Versus

Vikas Housing Ltd and others

... Respondents

.....
Mr. Kamlesh Tiwari alongwith Mr. Mahesh Pandey, Advocate for the
Applicant.

Ms. Pooja Kane instructed by Mr. Yogesh Adhia, Advocate for the
Respondents.

.....
CORAM : ABHAY AHUJA, J.

DATE : 11 NOVEMBER 2025

PC. :

1. Pursuant to the earlier orders of this Court, today when the
matter is called out, the learned Associate points out that the Registry
has given a say dated 15th October 2025.

2. This Court had on 6th October 2025 in view of the submissions
made by the learned Counsel for the Applicant that since the concerned
Court Associate was not having time, the objections could not be
removed and that the dismissal has occurred due to inadvertence or

clerical oversight of the Registry, directed that before passing any order, the Registry/Prothonotary & Senior Master to be given an opportunity to answer the submissions of the learned Counsel for the Applicant. Accordingly, a say has been filed by the Registry in response to the said submissions made on behalf of the learned Counsel for the Applicant.

3. A perusal of the say indicates that while the submission made on behalf of the learned Counsel for the Applicant has not been denied by the Registry an explanation is sought to be offered by the concerned Associate that since there was no endorsement with respect to the compliance of office objection on 9th September 2025, the Execution Application has been rejected and that the concerned Advocate has put his endorsement on 10th September 2025 with respect to the compliance of the office objection. That on 22nd September 2025 also since there was no endorsement by the Advocate, the Execution Application has been rejected. This is neither here nor there.

4. Ms. Kane, learned Counsel, appearing for the Respondent submits that in view of the say of the Registry she has no objection if the Application is allowed and the Execution Application is restored to file.

5. While the concerned Associate and the Registry officials are directed to be more careful in future, in view of the submissions made

before this Court, the Interim Application is allowed in terms of prayer clauses (a) and (b), which read thus :

(a) Set aside the order dated 19th August 2025 by which Execution Application (St) No.22003 of 2024 was dismissed.

(b) Restore Execution Application (St) No.22003 of 2024 to its original file for hearing and disposal on merits.

6. Let the Registry now award registered number to the Execution Application.

7. Let the registered application be served upon the other side, within a period of three weeks.

8. Interim Application accordingly stands allowed and disposed as above.

9. This Court hopes that the Registry functions in a more professional manner.

(ABHAY AHUJA, J.)