

Before : Anil H. Laddhad,
Prothonotary & Senior Master
Date : 10th February, 2026

FOR HEARING AND FINAL DISPOSAL :

16 CHOL/23/2026) Mr. Shreyas Thakur i/b. M. S. Bodhanwalla
 in) and Company, Advocate for the applicant/
 CTSL/31503/2024) Caveator.
)
) Ms. Achala Hatode, Advocate for the
) respondent/org. petitioner.
)
) P.C.: The present Chamber Order is e-filed by the
) applicant for setting aside Order dated
) 09.06.2025, rejecting captioned Caveat under
) O.S.Rule 986 for non-compliance of office
) objections.
)
) It is a submission of Ld. Advocate for caveator
) that the department had raised three office
) objections, out of which two office objections
) had been complied with. They were not aware
) that Power of Attorney on behalf of Caveator
) no. 2 was required to be filed. However, they
) have filed Authority Letter. It has been argued
) that they are in a position to execute Power of
) Attorney of Caveator No. 2. Therefore, The
) delay of 27 days caused in filing present
) Chamber Order may be condoned and
) captioned Caveat may be restored to file.
)
) Per contra, Ld. Advocate for the petitioner
) vehemently argued that after lodging of
) Caveat by the Caveator on 10.10.2024, they
) failed to take appropriate steps in furtherance
) of removal of office objections. It is
) vehemently further argued that Caveat itself is
) defective in absence of Power of Attorney and
) therefore, it cannot be restored. Moreover, the
) caveator failed to explain delay of 27 days
) caused in filing present Chamber Order.
) Hence, Chamber Order needs to be dismissed.
) Ld. Advocate for the petitioner relied on the
) Judgment of Hon'ble Bombay High Court in
) case of **Vasantkumar Maganlal Patel & others**
) **Vs. Ketankumar Maganlal Sharma** passed in
) Chamber Summons (L) No. 131 of 2013 in

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contd....)
CHOL/23/2026)
in)
CTSL/31503/2024)

Petition No. 466 of 2010. Ld. Advocate has relied on paragraph nos. 3 to 6 of the said Judgment.

Upon careful consideration of aforesaid Case Law, it appears that the Caveat filed by the caveator was not in proper format. However, there is no such objection in the present case. Moreover, Caveat which has been filed in aforesaid case, was alongwith Power of Attorney, which the Hon'ble Court find it defective. Here, in present case, the objection was with respect to non-filing of Power of Attorney. To my mind, aforesaid Case Law does not applicable in the present case considering its facts and circumstances. In my view, the rejection of the Caveat is an administrative order, passed due to non removal of office objections, and said issue is between the Caveator and Department. In the event, Caveat is rejected without giving opportunity to the caveator, certainly it will cause injustice to him. Inconveniency caused to the petitioner can be compensated by awarding reasonable cost. Hence, in the interest of justice, delay of 27 days caused in filing present Chamber Order is condoned and present Chamber Order is granted as prayed subject to payment of cost of Rs. 2,500/- to the petitioner.

Upon payment of cost, captioned Petition be restored to file and the petitioner to remove office objections of Petition and get the same registered and/or numbered by **filing/uploading compliance praecipe** within **two** weeks from the date of payment of cost, failing Petition to stand rejected for non-compliance of office objections under O.S.Rule 986.

Date : 10.02.2026

Prothonotary and Senior Master