

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

FOR HEARING AND FINAL DISPOSAL :

18	CHOL/532/2025	)	Ms. Pooja Yadav I/b. Jayakar and Partners,
	in	)	Advocate for the applicant/plaintiff.
	SL/35408/2023	)	
		)	Mr. Sanjay Jain a/w. Praful Valvi, Advocate for
		)	defendant no. 1.
		)	
		)	Ms. Priyasha Pawar i/b. Abhay Nevagi and
		)	Associates, Advocate for defendant no. 2.
		)	
		)	Mr. S. M. Sharma i/b. Bhardwaj Mittar Sain
		)	Mukat Bihari, Advocate for defendant no. 6.
		)	
		)	P.C.: The present Chamber Order is filed by the
		)	applicant for setting aside Order dated
		)	08.05.2025, rejecting captioned Suit under
		)	O.S.Rule 986 for non-compliance of office
		)	objections.
		)	
		)	Ld. Advocate for the applicant tenders
		)	Affidavit of Service, showing service of
		)	Chamber Order upon defendants, which is
		)	taken on record.
		)	
		)	Heard ld. Advocate for the applicant. Perused
		)	Affidavit in Support, contents of which are
		)	self-explanatory. It is contended that Advocate
		)	Assistant handling the Suit ceased to be a part
		)	of firm. Unfortunately, there was some
		)	miscommunication and Conditional Order was
		)	not informed to the new Advocate. It is
		)	further contended that for the aforesaid
		)	reasons, there was 70 days delay caused in
		)	filing present Chamber Order, which was not
		)	intentional.
		)	
		)	Ld. Advocate for the applicant submits that
		)	they were not aware about conditional order
		)	since matter was continuously listed before the
		)	Hon'ble Court. Ld. Advocate therefore, prays
		)	that captioned Suit may be restored to file by
		)	condoning delay.

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contd....	)	Ld. Advocates for defendant nos. 2 and 6 give
CHOL/532/2025	)	no objection for restoration of Suit.
in	)	
SL/35408/2023	)	Ld. Advocate for defendant no. 1 made a
	)	statement that defendant no. 1 is the only
	)	contesting party. Statement is accepted. Ld.
	)	Advocate for defendant no. 1 objected present
	)	Chamber Order and prayed for rejection of the
	)	same.
	)	
	)	In the present matter by Conditional Order
	)	dated 08.05.2025, the plaintiff was directed to
	)	remove office objections within four weeks.
	)	However, thereafter matter was listed before
	)	the Hon'ble Court and disposal was not taken
	)	by the department in C.I.S.. Therefore, the
	)	plaintiff was not aware about Conditional
	)	Order. Reasons stated in Affidavit in Support
	)	are accepted. Ld. Advocate undertakes to
	)	remove office objections within four working
	)	weeks. Undertaking is accepted. In view
	)	thereof, I am of the view that one opportunity
	)	is required to be given to the plaintiff to
	)	pursue with the captioned Suit. However, it
	)	would be just and proper to impose certain
	)	cost on the plaintiff, so that, the plaintiff
	)	would be more diligent in pursuing with the
	)	suit. Hence, in the interest of justice, delay of
	)	70 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 High Court Employees
	)	Medical Welfare Fund at Mumbai" – Bank of
	)	India, Mumbai (Main) Branch, Account No.
	)	000120110001337, IFSC CODE :
	)	BKID0000001. Chamber Order is signed
	)	separately.
	)	
	)	Upon payment of cost, suit be restored to file
	)	and the plaintiff to remove office objections of
	)	Suit and get the same registered/numbered
	)	within four working weeks from the date of
	)	payment of cost, failing Suit to stand rejected

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contd....	)	for non-removal of office objections under O.S.
CHOL/532/2025	)	Rule 986.
in	)	
SL/35408/2023	)	
	)	
	)	

Date : 10.04.2026

Prothonotary and Senior Master

Digitally
signed by
RAJEEV
VIJAY
ACHARYA
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