

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**INTERIM APPLICATION NO. 7829 OF 2025
IN
SUIT NO. 1000 OF 2018**

KARTIK BHATT

**)...APPLICANT /
DEFENDANT NO.3**

IN THE MATTER BETWEEN

AMIT RUPAREL AND OTHERS

)...PLAINTIFFS

V/s.

ADITYA BHATT AND OTHERS

)...DEFENDANTS

Mr.Anand Pandey i/by Mr.Sujit Suresh, Advocate for the Applicant
/Original Defendant No.3

Mr.Vasant Dhawan a/w. Mr.Sanket Dhawan, Advocate for the Plaintiffs.

CORAM : ABHAY AHUJA, J.

DATE : 12th MARCH 2026

PC. :

1. This Interim Application seeks restoration of Interim Application (Lodging) No.11147 of 2024 which came to be dismissed for non-removal of office objections within the time granted by this Court.

2. Mr.Anand Pandey, learned Counsel, appears for the Applicant and submits that as there was a change in Advocate, the objections could not be removed and registered number could not be obtained in time.

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That, the dismissal is purely technical in nature and arising out of inadvertent and *bonafide* circumstances, and therefore, this Court may condone the delay, if any, and restore the Interim Application (Lodging) No.11147 of 2024 and grant some time to remove office objections and obtain registered number.

3. Mr.Vasant Dhawan, learned Counsel appearing for the Respondents / Plaintiffs opposes the application and submits that reply has been filed. Mr.Dhawan submits that the reason to justify the non-removal of office objections within the time granted by this Court is false and misleading and contrary to the record, in as much as, Mr.Chaitanya Bhandarkar had already filed Vakalatnama in the Suit and had taken out the Interim Application (Lodging) No.11174 of 2024 which was signed by the Applicant on 2nd April 2024 and which is the application which came to be dismissed for non-removal of office objections. That, the present Advocate Mr.Sujit Suresh had filed his Vakalatnama only on 12th December 2025, which is long after the stipulated dated viz. 2nd October 2025 to remove the office objections and obtain registered number had expired, and therefore, the excuse of change in Advocate is completely false and misleading and contrary to the record.

4. In rejoinder, Mr.Pandey for the Applicant submits that he has a good case on merits and that until and unless the Interim Application (Lodging) No.11147 of 2024 is not restored and heard, the said Applicant would not be able to file his written statement.

5. I have heard the learned Counsel and considered the submissions.

6. It is not in dispute that the excuse for not being able to remove office objections to the Interim Application (Lodging) No.11147 of 2024 by 2nd October 2025 on the ground that there was change in Advocate is not correct. The learned Counsel appearing for the Plaintiffs is right that the Interim Application (Lodging) No.11147 of 2024 was taken out by the earlier Advocate who had filed his Vakalatnama and who did not remove office objections within the time granted by this Court, due to which the said Interim Application came to be dismissed by a self operative order of this Court. That, the present Advocate had filed his Vakalatnama only on 12th December 2025, which is much after the date of 2nd October 2025, and therefore, the reason for not being able to remove office objections in time, as submitted by the learned Counsel for the Applicant, cannot be countenanced.

7. Mr.Pandey for the Applicant has submitted that his client – Applicant / Defendant no.3 has a good case on merits and that this Court may condone the delay in taking out the application and also thereafter restore the Interim Application No.11147 of 2024 and also permit some time to remove office objections and obtain registered number.

8. It is a settled law that a litigant need not be shut out on technicalities, however, the discipline to abide by orders of this Court to remove office objections and obtain registered number in the time granted by this Court also needs to be enforced. It is also a settled law that if the delay can be compensated by reasonable costs, the same be condoned.

9. Therefore, this Court is inclined to allow the application subject to payment of costs of Rs.50,000/- by the Applicant to the Plaintiffs within a period of three weeks.

10. Subject to payment of costs of Rs.50,000/- by the Applicant to the Plaintiffs within a period of three weeks, the Interim Application (Lodging) No.11147 of 2024 be restored to file. Let office objections

be removed and registered number be obtained thereafter within a period of three weeks.

11. The Interim Application accordingly stands allowed and disposed as above.

(ABHAY AHUJA, J.)