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

**NOTICE OF MOTION NO. 972 OF 2014
IN
SUIT NO. 1604 OF 2006**

United Telecoms Ltd. & Anr. ...Applicants/Orig.Pltfes.

In the matter between:

United Telecoms Ltd. & Anr. ...Plaintiffs

Vs.

Motorola India Pvt. Ltd. ...Defendants

Ms. Rekha Rajagopal for the Plaintiff Nos. 1 & 2

Mr. Ameya Gokhale for the Defendants

CORAM : MRS. ROSHAN DALVI, J.

DATED : 23RD JULY, 2015

P.C. :

1. This notice of motion is taken out by the plaintiff for setting aside the order of dismissal of the above suit dated 20th June, 2014 and for restoring the suit to file.
2. Whatever that has transpired in this suit has been within a span of about 1 month.
3. On 23rd June, 2014 the suit has been dismissed.
4. On 18th July, 2014 certain follow-up was done by the

plaintiffs. It was revealed that the suit on 20th June, 2014 was placed on board for dismissal on 23rd June 2014 when it was dismissed. This notice of motion has been taken out on 21st July, 2014 soon thereafter.

5. The plaintiffs' case is that as the Advocate's firm had certain internal organizational changes they inadvertently failed to appear. Thereafter the Advocates applied for discharge before the Prothonotary and Senior Master, which was granted. Thereafter the plaintiff has filed another affidavit relating to appointment of another Advocate which is well after this notice of motion has been taken out.
6. It is seen that there has been an inadvertent error. Within the very reasonable time this notice of motion has been taken out. The notice of motion is made absolute as prayed. An order of dismissal dated 23rd June, 2014 is set aside. The suit is restored to file.
7. The suit is now adjourned to 27th August, 2015 for issues. No order as to costs.

(ROSHAN DALVI, J.)