

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 226 OF 2014
IN
SUIT (L) NO. 2982 OF 2009**

Shri Ashok Dagduram Chopda

...Plaintiff / Applicant

vs.

Reliance Infocom Ltd.

...Defendant

Mr.A.L. Gore for Plaintiff.

Mr.V.A. Thorat, Senior Advocate i/b. P.P. Kakade, erstwhile Advocate for Plaintiff..

CORAM : S.C. GUPTA, J.

7 DECEMBER 2015

P.C. :

The Notice of Motion is for restoration of a suit, which came to be dismissed for non-removal of office objections under Rule 986 of the Bombay High Court (Original Side) Rules. In view of the fact that allegations were made against the earlier Advocate in the Notice of Motion, this Court felt that the Advocate needed to be heard and accordingly, the Applicant (original Plaintiff) was permitted to give notice to the earlier Advocate, Mr.P.P. Kakade.

2 Today, Mr.Thorat, learned Senior Counsel appears for Mr.Kakade and prays that the notice issued to the earlier Advocate be discharged. He explains the circumstances in which the Advocate was absent. The Applicant has no objection to the notice being discharged. Accordingly, the notice issued to the Advocate in terms of the order dated 23 October 2015 stands discharged.

3 Having regard to the averments made by the Applicant (original Plaintiff) in his affidavit in support of the notice of motion, the delay is condoned and the notice of motion is made absolute. The order dismissing the suit under Rule 986 of the Bombay High Court (Original Side) Rules is recalled and set aside and the suit is restored on file. The returnable date for the service of the writ of summons is extended upto 1 February 2016.

(S.C. Gupta, J.)