

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 1955/2015
IN
SUMMARY SUIT (L) NO.612/2015

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Sunil M.Kadam for the Applicant

CORAM : K. K. TATED, J.

DATE : DECEMBER 9, 2015

P.C.:

1. Heard. This Notice of Motion is filed by the Plaintiff for restoration of the Summons for Judgment which was dismissed in view of conditional order dated 15/09/2015 passed by the learned Prothonotary & Senior Master of this court for non removal of office objections.

2. The learned counsel for the Applicant submits that, in fact, they removed office objections within time, but same was checked by the concerned Associate thereafter. To that effect, the learned counsel for the Applicant Plaintiff relies on paragraph 3 of the affidavit in support of the Notice of Motion.

3. Considering the submissions made by the learned counsel for the Applicant and the averments made in the affidavit in support of the Notice of Motion, I am satisfied that the Applicant has made out a case for allowing the Notice of Motion.

4. Hence, the Notice of Motion is made absolute in terms of prayer clauses (a) and (b) which read thus:

a) That the order of dismissal dated 15/09/2015 be set aside.

b) That the Hon'ble Court be pleased to restore Summary Suit (L) No.612/2015 since office objections are already complied with.

5. Notice of Motion stands disposed of accordingly.

JUDGE