

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

LEAVE PETITION NO.210 OF 2016
IN
SUIT NO.392 OF 2016

Dr.Mukesh Kumar)....Plaintiff

V/s.

M/s.Bern Hard Schulte Ship Management)
(I) Pvt. Ltd. and Ors.)....Defendants

Mr.Dhananjay S.Mishra for plaintiff.

Ms.N.Sumnani i/by Bhatt & Saldanha for the defendants.

CORAM : K.R.SHRIRAM,J

DATE : 10.8.2016

P.C.:-

1 On 3.8.2016, an application for leave under clause-12 was made. The defendants were present and objected stating that the suit has already been numbered and therefore, by virtue of the judgment of this court in ¹***Quadricon Pvt. Ltd. v. Bajarang Alloys Ltd.*** the leave at this stage cannot be granted.

2 It is true that the suit has been numbered. At the same time, the Hon'ble Mr.Justice S.J.Kathawala in his order dated 5.7.2016 has observed that the suit has been numbered without removing office objections and the numbering has been done erroneously by the registry without application of mind. This means the suit showed still be in lodging number, i.e., pre admission and at

1 AIR 2008 BOMBAY 88

that stage also leave under clause-12 could be obtained. Therefore, I cannot accept the submission of the defendants that the suit having been numbered, leave under clause-12 cannot be granted. Therefore, leave under clause-12 is granted. Objections to be removed within two weeks from today.

(K.R.SHRIRAM,J)