

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

**NOTICE OF MOTION NO. 2712 OF 2016
IN
SUMMARY SUIT NO. 28 OF 2004**

M/s. Dprimilaks Saffles Pvt. Ltd. .. Applicant

In the matter between :

M/s. Dprimilaks Saffles Pvt. Ltd. .. Plaintiff

Vs.

M/s. Surya Packaging .. Defendant

Mr.Ashutosh Gole i/b M.V. Limaye for plaintiff/applicant.

None for defendant.

**CORAM : K.R.SHRIRAM, J.
DATE : 22ND DECEMBER, 2016**

P.C.

1 This notice of motion is taken out to restore the suit that came to be dismissed for non-removal of office objections by an order dated 11th December 2003 passed by the Prothonotary and Senior Master, High Court, Bombay. In the entire affidavit in support, there is no reason given as to why office objections were not removed and why the applicants took more than almost 13 years to take out this notice of motion except stating that the plaintiff and their Advocate lost track of the matter. This Court has been very lenient in restoring matters which were dismissed for default but in this

case, this Court is not inclined to restore because the reasons are not acceptable simply saying the plaintiff and the Advocate lost track of the matter is not enough reason to restore.

2 The notice of motion dismissed.

(K.R. SHRIRAM, J.)