

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

**NOTICE OF MOTION NO.2100 OF 2015
IN
SUIT NO.3009 OF 1990**

Maritime Pvt. Ltd.Applicant/Plaintiff
V/s.

Micoperi Ocean Transport Inc. & Anr.Defendants

**WITH
SUIT NO.29 OF 1991**

Semco Salvage & Marine Pvt. Ltd.Plaintiff
V/s.

Micoperi Ocean Transport & Anr.Defendants

**WITH
SUIT NO.3942 OF 1990**

Kapasi Builders Pvt. Ltd.Plaintiff
V/s.

Burn Standard Co. Ltd. & Anr.Defendants

Mr. D.V. Deokar a/w. Mr. Subodh Joshi i/b. P.K. Shroff & Co. for the plaintiff in suit no.3942 of 1990.

Mr. Shrinivas Deshmukh a/w. Mr. Shashank Trivedi i/b. Mulla & Mulla for the plaintiff in suit no.3009 of 1990 and for the applicant in notice of motion no.2100 of 2015.

None for the defendants.

**CORAM : K.R.SHRIRAM,J
DATE : 17th JUNE, 2016**

P.C.:-

NOTICE OF MOTION NO.2100 OF 2015

1 Considered the affidavit in support of the notice of motion and also heard the counsel for the applicant/plaintiff. The counsel for the applicant clarifies that even though the suit was dismissed on

8th January, 1997, it had appeared on the dates mentioned in paragraph 8 of the affidavit in support because it was tagged alongwith the other suits. Therefore, they were not aware that the said suit got dismissed until October, 2015. The applicant has filed an affidavit of service of one Christopher Farro sworn on 17th June, 2016.

2 None for the defendants. For reasons mentioned in the affidavit in support and having heard the counsel for the applicant, the notice of motion is allowed and disposed of in terms of prayer clause - (a). The suit is restored to fie.

3 The counsel for the applicant/plaintiff seeks leave to amend the cause title in view of the averments contained in paragraph 5A of the affidavit in support to bring on record the Official Receiver of the plaintiff company. Leave granted. The amendment to be carried out within one week from today.

4 Stand over to 15th July, 2016 for directions.

(K.R.SHRIRAM,J)