

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

**NOTICE OF MOTION NO. 519 OF 2013
IN
SUIT NO. 2000 OF 2008**

Naresh Paliwal .. Plaintiff/Applicant
Vs.
Rockey D'souza & Anr. .. Defendants

Mr.Dharam Sharma i/b Dharam and Co. for plaintiff/applicant.

Mr.Om Prakash Singh for defendant nos.1 and 2.

**CORAM : K.R.SHRIRAM, J.
DATE : 27TH JULY 2017**

P.C.

1 Heard the counsel for the applicant and for defendant nos.1 and 2. The counsel for applicant reads out paragraphs in the affidavit in support wherein an explanation has been given for non-removal of office objections by which the suit came to be dismissed by a self operative order dated 4th March 2008.

2 Counsel for defendant nos.1 and 2 opposes the notice of motion and states that there has been delay of in excess of 4½ years in taking out this notice of motion. There are other proceedings going on between the parties and certainly the plaintiff was aware that this suit has got dismissed.

3 Having heard the counsels and considered the opposing affidavits, in
my view, the relief as sought in notice of motion required to be granted.
Therefore, order dated 4th March 2008 is set aside. Suit resotred.

4 Mr.Sharma for plaintiff/applicant states that all office objections will
be removed within two weeks from today.

It is made clear that if the office objections are not removed within
two weeks, the suit will stand dismissed without further reference to the
Court.

5 The counsel for defendant is pressing for costs. The plaintiff to pay a
sum of Rs.5,000/- as costs to defendants by way of cheque drawn in favour
of the advocate on record for defendants. This amount to be paid within two
weeks.

6 Notice of motion disposed accordingly.

7 As the claim in the suit is less than Rs.1 crore and if the suit does not
get dismissed, then the suit be transferred to the City Civil Court.

(K.R. SHRIRAM, J.)