

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

**NOTICE OF MOTION NO.1485 OF 2016
IN
NOTICE OF MOTION (L) NO.2577 OF 2014
IN
SUIT NO.3088 OF 2008**

Mohan Tukaram Kukreja & Ors.)...Applicants
(Defendants 9 to 14)

IN THE MATTER BETWEEN :

Midtown Holding Leasing & Properties Pvt.Ltd.)....Plaintiffs
V/s.

Sharfuddin Unusmiya Kazi & Ors.)....Defendants

Ms.Sneha Vani i/by Law Charter for plaintiffs.

Mr.Mahesh Menon a/w Mr.Nilesh Tated and Mr.Rushabh Parekh i/by
DSK Legal for defendant nos.9 to 14/applicants.

**CORAM : K.R.SHRIRAM,J
DATE : 29.6.2017**

P.C.:-

1 This Notice of Motion is taken out for condoning delay of 407 days and to restore Notice of Motion (L) No.2577 of 2014 which came to be dismissed by a self operative order passed by the Prothonotary & Senior Master, High Court, Bombay for non removal of office objections.

2 Having considered the affidavit in support, affidavit opposing the Notice of Motion and having heard the counsel, one

thing is clear that the non removal of office objections happened due to reasons that cannot strictly attributable to applicants. I am therefore, inclined to condone the delay and restore the Notice of Motion (L) No.2577 of 2014. Therefore, Notice of Motion disposed in terms of prayer clauses-(a), (b), (c), (d) & (e) which read as under :-

“(a) That the delay of 407 days (Feb 4, 2015 to March 16,2016) be condoned in filing the present Notice of Motion in Notice of Motion No.(L) No.2577 of 2014 in Suit No.3088 of 2008 ;

(b) That this Hon'ble Court be pleased to set aside the order dated 20th January 2015 passed by the Learned Prothonotary & Senior Master dismissing the Notice of Motion (L) No.2577 of 2014 in Suit No.3088 of 2008 ;

(c) That this Hon'ble Court be pleased to restore the Notice of Motion (L) No.2577 of 2014 in Suit No.3088 of 2008 which has been dismissed by an order dated 20th January 2015 passed by the Learned Prothonotary & Senior Master for non removal of office objections ;

(d) That this Hon'ble Court be pleased to grant two weeks' time to the Defendant Nos.9 to 14 to remove the office objection in Notice of Motion (L) No.2577 of 2014 in Suit No.3088 of 2008 ;

(e) That this Hon'ble Court be pleased to permit the Defendant Nos.9 to 14 to amend the Notice of Motion (L) No.2577 of 2014 and replace reference to "Defendant Nos.8 to 14 with Defendant Nos.9 to 14".

3 The applicants to be put to terms. The applicants to pay sum of Rs.25,000/- as donation to Kirtikar Law Librarary within two weeks from today.

(K.R.SHRIRAM,J)