

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

**NOTICE OF MOTION NO.1741 OF 2017
IN
APPEAL (L) NO.149 OF 2017**

Investigation Bureau of India

.... Applicant/
Appellant

versus

Pratibha Industries Ltd.

... Respondent

.....

- Mr.P.N. Mehta, Advocate for the Applicant/Appellant.
- None for the Respondent.

**CORAM : R. M. SAVANT &
SARANG V. KOTWAL, JJ.
DATE : 15th NOVEMBER, 2017.**

P.C. :

1. The above Notice of Motion has been filed for restoration of the Appeal, which stood dismissed for non-prosecution. Again on the conditional order dated 20/07/2017 passed by the learned Prothonotary and Senior Master, the learned Prothonotary and Senior Master had directed the removal of the office objections and in default the Appeal was to stand dismissed for non-prosecution under Rule 986 of the

Original Side Rules.

2. In view of the default committed, the conditional order became operative and the Appeal resultantly stood dismissed for non-prosecution. The reasons as to why the office objections could not be removed, have been mentioned in paragraph Nos.3, 4, 5 and 6 of the Affidavit in Support of the Notice of Motion. Since the Appeal has been dismissed for a technical reason, it would be just and proper to accept the reasons mentioned in the aforesaid paragraphs. The Notice of Motion is accordingly allowed and made absolute in terms of prayer clauses (a) and (b).
3. Office objections if not removed already, to be removed within two weeks from date. The Appeal be listed for admission on 13/12/2017, if objections are removed.
4. The Notice of Motion is accordingly disposed of.

(SARANG V. KOTWAL, J.)

(R. M. SAVANT, J.)