

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

**NOTICE OF MOTION NO. 2647 OF 2016
IN
SUIT NO. 108 OF 2014**

Commander Water-Tech. (P) Ltd. .. Applicant

In the matter between :

Commander Water-Tech. (P) Ltd. .. Plaintiff

Vs.

Raj Polymers .. Defendant

Mr.Ankit Chaturvedi for plaintiff/applicant.

Mr.Manmohan Amonkar i/b Jacob Kadantot for defendant.

**CORAM : K.R.SHRIRAM, J.
DATE : 10TH JANUARY, 2017**

P.C.

1 Heard the counsels and also considered the affidavit in support. In view of what is stated in paragraph 3 of the affidavit in support, I am inclined to restore the suit.

2 Shri Amonkar for the defendant states that this is the second time, the suit is dismissed for default. Shri Chaturvedi for the plaintiff/applicant states that he has been recently instructed in the matter as the earlier advocate has been changed and undertakes to file the Vakalatnama.

Statement accepted. At the same time, having considered the affidavit

in support, I am inclined to restore the suit. The suit is hereby restored.

At the same time, as this is the second time this has happened, the plaintiff to pay a sum of Rs.5,000/- to the defendant within one week from today.

In view of restoration of the suit, the ad-interim/interim orders passed earlier also hereby restored.

(K.R. SHRIRAM, J.)