

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

**NOTICE OF MOTION (L) NO.81 OF 2018
IN
NOTICE OF MOTION NO.3795 OF 2008
IN
SUIT NO.2181 OF 2008**

WITH

**NOTICE OF MOTION (L) NO.47 OF 2018
IN
SUIT NO.2181 OF 2008**

The Commissioner of Customs (Preventive))
Mumbai)....Applicant

IN THE MATTER BETWEEN :

Union of India, through Commissioner)
Of Custom (Preventive))....Plaintiff
V/s.

M/s.Great Offshore Ltd.)....Defendant

Mr.Jitendra B.Mishra for applicant/plaintiff in Suit 2181/2008.
Mr.Mahendhar Aithe-Company Prosecutor for OL present.

**CORAM : K.R.SHRIRAM,J
DATE : 20.2.2018**

P.C.:-

NOTICE OF MOTION (L) NO.81 OF 2018

1 Mentioned Not on board. Heard the counsel and considered the affidavit in support filed by one Deepak Pandit affirmed on 14.12.2017 and of one A.K.Jotishi, Principal Commissioner of Customs (Preventive), affirmed on 15.1.2018.

2 For reasons mentioned therein, the order dated 3.7.2017 is recalled and Notice of Motion No.3795 of 2008 is restored to file.

NOTICE OF MOTION (L) NO.47 OF 2018

1 This Notice of Motion is taken out for restoring the Suit No.2181 of 2008 which was dismissed for default by an order dated 13.12.2017. The affidavit in support is filed by one Lalit Suneja, Assistant Commissioner of Customs (Preventive) Marine & Preventive Wing, Mumbai, who was directed to remain present in court either personally or by duly authorized advocate on 19.6.2017. Be that as it may, for the reasons mentioned in the affidavit in support and in view of the submissions made by Mr.Jitendra Mishra advocate for the applicant, Notice of Motion is allowed in terms of prayer clause-(a) and the Suit No.2181 of 2008 is restored to file.

2 Mr.Aithe-Company Prosecutor states that the name of the company `Great Offshore Ltd' was changed to `GOL Offshore Ltd.' and the company is already ordered to be wound up by an order dated 4.12.2017.

3 Mr.Mishra appearing for the applicant states that he will

take the details from the office of the Official Liquidator and take steps to amend the cause title in the restored suit and restored Notice of Motion and serve a copy on the Official Liquidator within 3 weeks from today.

4 Mr.Aithe Company Prosecutor states that so far as the other suit viz. Admiralty Suit No.78 of 2011 is concerned, office of the Official Liquidator shall take steps to amend the plaint and written statement if any and serve a copy thereof upon defendants.

Both the matters be listed for directions after 4 weeks.

(K.R.SHRIRAM,J)