

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

**CHAMBER ORDER NO. 900 OF 2017
IN
COMMERCIAL SUMMARY SUIT NO. 212 OF 2017**

The Metal (Excluding iron and steel) & Paper
Markets and Shops Mathadi Labour Board ...Plaintiff/Applicant
Vs.
The State Bank of India & Ors. ...Defendants

Mr.N.V. Walawalkar, Senior Advocate with Sanjay P. Shinde for Plaintiff.
Mr.Kevic Setalvad, Senior Advocate with J.B. Navlani I/b. Kusumakar
Kaushik for Defendants.

CORAM : S.C. GUPTE, J.

DATE : 1 FEBRUARY 2018

P.C. :

Heard learned Counsel for the parties.

2 This chamber order is for recall of a self-operative rejection order under Rule 986 of the Bombay High Court (Original Side) Rules on account of non-removal of office objections.

3 The basic contention of the Applicant / Plaintiff in support of the present application is that when the self-operative order was passed on 4 July 2017, the junior advocate, who attended the matter, did not realise that the order was a conditional order rejecting the plaint by a self-operative mandate if objections were not removed within two weeks. The order itself was uploaded on 14 July 2017. Within four days thereafter, time to comply with office objections expired in accordance with the order. On the immediately following day, a praecipe was moved by the advocate

for recall of the rejection order and restoration of the suit. Since, however, chamber order was required by the Prothonotary, a chamber order was moved on 21 July 2017. The chamber order was accompanied by a personal affidavit of the advocate explaining the circumstances in which office objections could not be removed within time and the plaint stood rejected. Since the chamber order was opposed by the Prothonotary, the matter is placed before this court.

4 There is an affidavit of the junior advocate himself on record, which explains the circumstances in which the advocate missed the self-operative content of the original order passed by the Prothonotary on 4 July 2017. The circumstances indicate a lawful excuse for recall of the self-operative order and restoration of the suit.

5 Learned Counsel for the Defendant points out certain inconsistencies between the affidavits filed in support of the chamber order. These are minor inconsistencies and found capable of being explained. The delay, as it appears from the record, is mere technical and needs to be excused.

6 Accordingly, the chamber order is allowed. The objection shall now be removed within three weeks from today. It is made clear that in case official translations are not available from the Translator's office by then, the office will accept the translations from the Plaintiff and number the plaint on the basis of such translations, permitting the Plaintiff to produce official translations as and when same are available.

(S.C. GUPTE, J.)