

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
COMMERCIAL NOTICE OF MOTION NO.1420 OF 2019
IN
COMMERCIAL NOTICE OF MOTION (L) NO.962 OF 2019
IN
COMMERCIAL SUIT (L) NO.434 OF 2019**

Ajit Kumar Sohanlal Jain	..Plaintiff
Vs.	
Suresh Chtelal Sharma & Ors	..Defendants

Ms. Darshna Naval I/b Neliesh Tribhuvann for Plaintiff/Applicant
Ms. Mahi Lulka I/b Diwakar Rai for Defendant

**CORAM : K.R.SHRIRAM, J.
DATE : 26th JUNE 2019**

P.C.:

- 1 Heard the counsel and also considered the affidavit in support.
- 2 Ms. Naval gives an undertaking that all office objections will be removed within two weeks from today. In view of this undertaking given and for reasons explained in the affidavit in support read with additional affidavit, notice of motion is allowed in terms of prayer clauses (a) and (b). Notice of motion (l) no.962 of 2019 and suit stand restored.
- 3 It is made clear that if within two weeks office objections are not removed, the suit and notice of motion will stand dismissed without further reference to the court and no application for restoration will be entertained.
- 4 Though, the advocate has stated that she has sent a whats-up

message to her clerk to remove all office objections within 4 weeks, that will not absolve the advocate from his responsibility that it was his duty to ensure that clerk has complied with his instructions. Only because an innocent plaintiff should not suffer, I am restoring the suit. I make it clear that it is the responsibility of the advocate on record to ensure that all office objections are removed and clerk cannot be held responsible or blamed for that.

5 Notice of motion accordingly stands disposed.

(K.R. SHRIRAM, J.)