

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
COMMERCIAL NOTICE OF MOTION NO.126 OF 2019
IN
COMMERCIAL SUIT NO.1097 OF 2018**

Team Intaerventure India (Exports) Pvt Ltd. ..Plaintiff
Vs.
Axom Global Trade Pvt Ltd. ..Defendant

Mr. Vedchetan Patil for Plaintiff/Applicant
Ms. Anita Castellino a/w Mr. Bruno Castellino I/b Vikas Singh for Defendant

**CORAM : K.R.SHRIRAM, J.
DATE : 30th JULY 2019**

P.C.:

1 This notice of motion is for restoration of the notice of motion (1) no.1199 of 2018, which came to be dismissed because one of the objections raised by the registry, i.e., to get the suit numbered, was not removed. In the affidavit in support, it is explained that all objections in the plaint was removed and sent for final numbering, but the registry which has to assign the number, did not assign the number within the time provided in the order dated 7th August 2018.

2 Ms Castellino stated that the notice of motion itself has been taken out with great delay and even this notice of motion was served only this morning, though it was lodged in October 2018 and, therefore, prays for cost. The reason for delay in taking out this notice of motion is explained in paragraph 8 of the affidavit in support. At the outset, I have to

state that the restoration of a notice of motion is something between plaintiff and the court. Therefore, I accept the explanation of Mr. Patil that due to oversight and inadvertence, he did not serve the notice of motion earlier. Secondly, the reason for delay in taking out this notice of motion is explained in paragraph 8, which explanation, I accept. Therefore, I am not inclined to grant order of any cost. Notice of motion is allowed in terms of prayer clause (a). Notice of motion (l) no.1199 of 2018 is restored to file. Mr. Patil states that suit has subsequently been numbered. Therefore, registry to assign a final number to notice of motion (l) no.1199 of 2018 within one week from today and the same to be listed for hearing in due course.

3 Notice of motion no.126 of 2019 accordingly stands disposed.

(K.R. SHRIRAM, J.)