

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

INTERIM APPLICATION NO.2275 OF 2020

IN

COMMERCIAL SUIT (LODGING) NO.1096 OF 2019

Matrix Distributor Pvt. Ltd.

...Applicant-Plaintiff

V/s.

Ethos Ltd. & Ors.

...Defendants

Ms. Jheel Mehta, i/by Purnanand and Co., for the Applicant-Original Plaintiff.
None for the Defendants.

CORAM : A. K. MENON, J.

DATED : 26TH OCTOBER, 2020.

(THROUGH VIDEO CONFERENCE)

P.C. :

1. This is an application seeking restoration of the suit, which came to be rejected by the order of the Prothonotary and Senior Master dated 23rd January 2020, under Rule 986 of the Bombay High Court (Original Side) Rules, for non-removal of office objections.

2. There is a brief background which considered before disposing this application inasmuch as the suit was originally filed in Bombay City Civil Court at Bombay. It was found that the Court did not have jurisdiction and accordingly vide order dated 23rd January 2020, the 2nd Additional Principal Judge directed the Registrar to return the plaint under Order VII Rule 10 of the CPC. The plaint then presented in this court was to be scrutinized and numbered; however, it appears that some of the objections were remained to be complied.

3. A petition seeking leave under clause XII of the Letters Patent Appeal has also been filed. Today, however, the learned counsel for the plaintiff states that in view of the averments made in paragraph 20 of the plaint, leave will not be required since the cause of action arose in Mumbai.

4. In that view of the matter and considering the reasons set out in the IA, I am of the view that the suit can be restored.

5. Ms. Mehta states that the defendants may not have been served even in the Bombay City Civil Court as per her instructions, since they were not on record in that court.

6. Accordingly, I pass the following order :-

(i) Interim Application is made absolute in terms of prayer clauses (a) and (b).

(ii) All office objections shall be complied within a period of four weeks from today.

(iii) Interim Application is disposed in the above terms.

7. This order shall be digitally signed by the Private Secretary of the court.

(A. K. MENON, J.)