

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

Notice of Motion No.870/2019
in
Appeal (L) No.460/2018
in
Company Petition No.1032/2015

Jai Maha-Laxmi Ispat (I) Pvt. Ltd. Applicant

Vs.

M/s. Urvi Trading Corporation Respondents

Mr. Prakash Mishra for the Applicant
Mr. Suhas Sawant, Dy. Official Liquidator

**CORAM: K.K.TATED &
SARANG V. KOTWAL,JJ.**

DATED : JANUARY 27, 2020

P.C.

1 Heard. By this Notice of Motion, the Applicant is seeking condonation of 111 days delay in filing the present Notice of Motion for setting aside the conditional order dated 24.01.2019 passed by the Prothonotary & Senior Master under Rule 987 of the Bombay High Court Original Side Rules rejecting the appeal for non removal of office objections.

2 The learned counsel for the Applicant submits that the Applicant was under impression that the matter is settled out of court by Consent Terms dated 29.11.2018. He

submits that in the interest of justice, this Hon'ble Court be pleased to set aside the conditional order passed by the Prothonotary & Senior Master and the matter be placed on board for hearing on merits.

3 The learned counsel for the Applicant submits that the Applicant undertakes to remove all office objections on or before 29.02.2020. The statement is accepted.

4 Considering the submissions made by the learned counsel for the Applicant, the averments made in the affidavit in support of the Notice of Motion, order dated 29.11.2018 passed by this court and as the Applicant is ready and willing to remove all office objections on or before 29.02.2020, we are satisfied that the Applicant has made out a case for allowing the Notice of Motion.

5 Hence, following order is passed:

- a. Delay in filing the Notice of Motion is condoned.
- b. Order dated 24.01.2019 passed by the Prothonotary & Senior Master is set aside.
- c. The appeal is restored to file for hearing on merits.
- d. The Appellant is directed to remove all office objections in the appeal on or before 29.02.2020, failing which the Notice of Motion shall stand dismissed without further reference to the court.

e. The Notice of Motion stands disposed of accordingly.

f. No order as to costs.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)