

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
[COMMERCIAL DIVISION]

INTERIM APPLICATION NO.834 OF 2021

IN

COMMERCIAL ADMIRALTY SUIT (LODGING) NO.34 OF 2019

Manoj Kumar Beniwal

.. Applicant-Plaintiff

Vs.

Altus Uber & Ors.

.. Respondents-Defendants

Ms. Anagha Tandel, i/by Vishwakarma & Associates, for the Applicant-Plaintiff.

Ms. Damayanti Sen, with Mr. Catakam Viswesh Kumar, i/by Bose & Mitra & Co., for Defendant No.1.

CORAM : A. K. MENON, J.

DATE : 5TH MAY, 2021.

[THROUGH VIDEO CONFERENCE]

P.C. :

1. This IA seeks restoration of the plaint, which came to be rejected under Rule 986 of the Bombay High Court (Original Side) Rules, for non-removal of office objections. The plaintiff's Advocate has set out in the application reasons as to why the objections were not complied with. There is a delay of about 463 days in filing the written statement.

2. Prima facie, it appears that the plaintiff has failed to comply with the directions of this court. In paragraph 8 of the IA, Ms. Sen states that there is a typographical error inasmuch as the delay is in filing the IA and not the written statement. The IA is opposed on behalf of the defendants stating that the delay has not been explained.

3. Considering the facts and the reasons set out in the IA, I am inclined to condone the delay, subject to payment of costs. Accordingly, I pass the following order :-

- (i) IA is allowed in terms of prayer clauses (a) to (d), subject to payment of costs of Rs.10,000/-, as a condition precedent, to the defendants. Costs to be paid within two weeks from today.
- (ii) Suit is restored to file. All office objections to be complied within twelve weeks from today, failing which the suit will stand dismissed without further reference to the court.
- (iii) IA is disposed in the above terms.

(A. K. MENON, J.)