

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 762 OF 2019**

IN

COMMERCIAL SUIT NO. 232 OF 2017

Alumilite Architecturals Pvt. Ltd. ... Applicant/Plaintiff.

vs.

Shrikant Studios Pvt. Ltd. ... Respondent/Defendant

WITH

COUNTER CLAIM NO. 3 OF 2019

IN

COMMERCIAL SUIT NO. 232 OF 2017

Shrikant Studios Pvt. Ltd. ... Claimant/Org. Defendant

vs.

Alumilite Architecturals Pvt. Ltd. ... Respondent/Org. Claimant

Ms. Swapna Roopavate i/b. Alliance Law for the Applicant/Plaintiff.

Ms. Prachi Khandge i/b. M/s. M. P. Vashi Associates for Defendant /
Respondent in NMCD/762/2019 and for the Plaintiff in CC/3/2019.

CORAM : A. K. MENON, J.

DATED : 15th FEBRUARY, 2021

P.C. :

1. Learned counsel for the applicant seeks restoration of the suit.

The suit came to be dismissed for default on 4th January, 2019.

2. Learned counsel for the applicant states that respondent's

Advocate has been duly served. Learned counsel for the applicant also

Rajeshwari
R. Pillai

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Rajeshwari R. Pillai
Date: 2021.02.15
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submits that the name of the plaintiff has undergone change and it is now known as Alumilite Architecturals Limited. She relies upon Annexure B to the affidavit in support of the motion and the copy of the resolution annexed at Exhibit A to the affidavit in support.

3. Ms. Khandge submits to the order of the Court but prays that costs be imposed.

4. Having heard the learned counsel in support and having perused the affidavit in support I pass the following :

(i) Subject to payment of costs of Rs. 5000/- to the Advocates for the defendants within a period of two weeks Suit is restored to file.

(ii) Upon restoration of the Suit as aforesaid leave is granted to amend the cause title to delete the word “Private” from the cause title of the plaint.

(iii) Learned counsel for the respondent- defendant in the Suit and plaintiff in the counter claim waives service of the amended plaint.

(iv) The order directing the suit to be listed for counter claim to be listed as undefended suit is hereby set aside.

(v) Notice of motion is disposed in the above terms .

(A. K. MENON, J.)