

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 1251 OF 2020
IN
CHAMBER ORDER (L) NO. 330 OF 2020
IN
NOTICE OF MOTION (L) NO. 369 OF 2019
IN
COMMERCIAL SUIT (L) NO. 164 OF 2019

Alumilite Architecturals Limited ...Applicant/ Plaintiff

vs.

Gabriel Mahatma & Ors. ...Respondents/Defendants

Ms. Aparna Wagle a/w. Mr. Yash Garach i/b. Alliance Law for the
Applicant / Plaintiff.

Mr. Rugved More i/b. Mr. Akhil Mahesh for Defendant no. 2.

CORAM : A. K. MENON, J.

DATE : 6th JANUARY, 2021

P.C. :

1. This interim application seeks recall of order passed by the Prothonotary and Senior Master rejecting the Suit under Rule 986 of the Bombay High Court (Original Side) Rules and thereby restoration of the suit. There is a delay of 110 days.

2. Heard learned counsel for the plaintiff and defendant no.2. In my view sufficient cause is made out for restoring the suit and accordingly

interim application is liable to be allowed. I pass the following order :

- (i) Interim Application is made absolute in terms of prayer clause (a), (b) and (c).
- (ii) Affidavit of service taken on file. Learned counsel for defendant no. 2 undertakes to enter appearance within two weeks from today. Undertaking accepted. Defendant no. 2 waives service of writ of summons.
- (iii) All office objections shall be complied within three weeks from today. Plaintiff Advocate to communicate to the defendants of the registered number of the suit.
- (iv) Written statement to be filed within thirty days from today.

(A.K.MENON, J.)

Rajeshwari
R. Pillai

Digitally signed
by Rajeshwari
R. Pillai
Date:
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