

Sharayu Khot.

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

INTERIM APPLICATION NO. 3461 OF 2022

IN

COMMERCIAL SUIT (L) NO. 14613 OF 2021

Silvex Realty Private Limited

...Applicant/Org.
Plaintiff

Versus

Karjat Golf Club Private Limited & Ors.

...Defendants

Mr. Shubham Agrahari a/w Mr. Rohan Mathur i/by Aroma Law
Group LLP for the Applicant/Plaintiff.

CORAM : R.I. CHAGLA J

DATE : 11 October 2022

ORDER :

1. Heard learned Counsel for the Applicant/Plaintiff.

2. By this Interim Application, the Applicant is seeking
condonation of delay of one day in filing the present Interim
Application and for restoration of the Commercial Suit (L) No. 14613
of 2021 to the file of this Court. Further relief is sought for grant of

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time to the Applicant for removal of office objections.

3. The Applicant has stated that the office objections were raised in respect of the captioned Commercial Suit and on account of non removal of office objections, Suit came to be rejected on 13th June 2022 pursuant to the notice of this Court dated 6th May 2022.

4. The Applicant has stated that in the Commercial Suit, Interim Application (L) No. 14615 of 2021 had been taken out and the Applicant was regularly following up with the erstwhile advocate in respect of the non removal of office objections and the listing of the captioned Suit along with the Interim Application. The Applicant has stated that there are WhatsApp messages have been exchanged between the Constituted Attorney of the Plaintiff and the erstwhile advocate of the Applicant, wherein enquires were made relating to the removal of office objections and in case any assistance would be required to the Constituted Attorney of the Plaintiff. The erstwhile advocate had assured the Constituted Attorney that he will sort out the objections as early as possible. Thereafter, the Constituted Attorney of the Applicant requested the erstwhile advocate to proceed with the hearing of the Interim Application and the

captioned Suit. However, the erstwhile advocate had sought for clean copy of the Sale Deed that forms part of the captioned Suit for full compliance with the office objections. This was provided to the erstwhile advocate on 14th March 2022. Thereafter, there was no proper update given by the erstwhile advocate for the Applicant. When the Applicant checked the cast status of the captioned Suit on 15th June 2022, the Applicant come to know that the captioned Commercial Suit came to be disposed of on 13th June 2022.

5. The Applicant has thereafter, learnt that the captioned Commercial Suit is disposed of in accordance with the directions of this Court vide notice dated 6th May 2022 and the rejection being on 13th June 2022. Accordingly, the present Interim Application has been taken out wherein it is stated that due to no fault of the Plaintiff, the captioned Commercial Suit has been disposed of and for an opportunity to be given to the Applicant for removal of office objections and for numbering the captioned Suit.

6. Having considered the averments in the Interim Application and noting the fact that due to the default of advocate, the captioned Commercial Suit came to be rejected on account of

removal of office objections pursuant to the notice issued on 6th May 2022 by this Court and which rejection was on 13th June 2022, the Applicant should not be made to suffer on account thereof. Accordingly, the relief sought for in the Interim Application requires to be granted. Hence, the following order is passed. :-

- (i) Delay in filing the Interim Application is condoned.
- (ii) Order of rejection dated 13th June 2022 is recalled and Commercial Suit (L) No. 14613 of 2021 is restored to file of this Court.
- (iii) The Applicant is granted four weeks time from the date of this order for removal of the office objections, failing which captioned Commercial Suit shall stand rejected without further reference to the Court.
- (iv) Interim Application is disposed of in the above terms.

[R.I. CHAGLA J.]