

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

**INTERIM APPLICATION NO. 3707 OF 2022
IN
COMMERCIAL SUIT (L) NO. 8453 OF 2021**

Farooq Tayyab Khatri ... Applicant/Orig. Plaintiff

Versus

Vikash Jiraj Singh & Ors. ... Defendants

Mr. Yogendra Kanchan a/w Ankita Sharma and Dhvani Mody for the
Applicant/Orig. Plaintiff.

CORAM : R.I. CHAGLA, J.

DATED : 26th SEPTEMBER, 2022

ORDER :

1 Heard the learned Counsel appearing for the
Applicant/Original Plaintiff. By this Interim Application the Applicant is
seeking condonation of delay in taking out the present Interim
Application for restoration and thereupon for restoration of Commercial
Suit (L) No.8453 of 2021 along with Interim Application (L) No.8459 of
2021 to the file of this Court. Further relief is sought for grant of time to
comply with any office objections which may remain after the Commercial
Suit (L) No.8453 of 2021 is restored back to the file.

2 The Applicant has stated that the captioned Commercial Suit came to be rejected for non-removal of office objections in view of the notice issued by this Court on 06.05.2022 and which office objections were to be removed by 10.06.2022. The Applicant was under the bonafide belief that office objections had been removed and that the Suit will get finally numbered. The Applicant had taken out an Interim Application in the captioned Commercial Suit which was pending. The Applicant has submitted that grave prejudice will be caused to the Applicant in the event that the captioned Commercial Suit is not restored to file considering that office objection appear to have been removed and only approval of the Associate of this Court noting that office objections have been complied remains.

3 Having considered the averments in the Interim Application as well as considering that the Applicant was under bonafide belief that office objections have been removed and Suit was to be numbered, the Applicant should not be made to suffer for the Suit not being numbered. In view thereof, the relief sought for in the Interim Application requires to be granted. Hence, the following order is passed :

- i) The delay in filing the Interim Application is condoned.

ii) Commercial Suit (L) No.8453 of 2021 along with Interim Application (L) No.8459 of 2021 is restored to the file by extending time which had granted by Notice issued by this Court on 06.05.2022 by a further period of two weeks from the date of uploading this order.

iii) It is made clear that if any office objections remain to be complied with and there is failure to comply with within stipulated period of two weeks, the captioned Commercial Suit shall stand rejected without further reference to the Court.

iv) Interim Application is disposed of in the above terms.

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(R.I. CHAGLA, J.)