

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

**INTERIM APPLICATION NO.3537 OF 2022
IN
COMMERCIAL SUIT (L) NO.10666 OF 2021**

Raval Tower Co-operative Housing
Society Ltd.

...Applicant/Plaintiff

Versus

Shivshakti Metal Industries

...Defendant

* * * *

Ms. Vaishali Sanghavi a/w Mr. Ameet Mehta i/by Solicis Lex for
Applicant/Plaintiff.

Mr. Vishal Kolekar for Defendant.

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CORAM : R.I. CHAGLA, J.

DATED : 29th AUGUST, 2022

ORDER :

1. Heard the learned counsel for the Applicant/Plaintiff
2. By this Interim Application, the Applicant/Plaintiff is seeking restoration of the Commercial Suit (L) No.10666 of 2021 by recall of order dated 20th June 2022.
3. The Applicant/Plaintiff has stated that the Advocate for the Applicant/Plaintiff had received a notification of office objections in the captioned Commercial Suit.

4. However, the matter was listed before the Prothonotary and Senior Master of this Court and hence the Applicant/Plaintiff did not get a chance to remove the office objections. Accordingly, in view of the notice issued by this Court on 6th May 2022, the captioned Commercial Suit came to be rejected for non-removal of office objections within the time stipulated in the said notice.

5. The Applicant/Plaintiff has stated that there were some documents exhibited in the captioned Commercial Suit which were in Marathi language and same need to be translated in English and also there were some documents which were not in clear and legible print and had to be typed and submitted.

6. The Advocate for the Applicant/Plaintiff could not remove the office objections before the final date mentioned in the notice. The Applicant/Plaintiff has stated that the Advocate for the Applicant/Plaintiff learnt about the rejection of the Suit at the time of hearing of the matter, when the same was listed before this Court and accordingly filed the present Interim Application.

7. Having considered the averments in the Interim Application as well as noting that the Advocate for the Applicant/Plaintiff had not removed the office objections in view of the matter not having been listed before the Prothonotary and

Senior Master of this Court as well as the objections are with regard to translation of certain documents and providing typed copies of documents which were not in clear print, the relief sought for in the Interim Application requires to be granted. Hence, the following order is passed:-

- (i). The captioned Commercial Suit (L) No.10666 of 2021 is restored to file by extending the time which had been granted by notice dated 6th May 2022, by a further period of three weeks from the date of uploading of this order.
- (ii). In the event, the office objections are not removed within the stipulated time, the captioned Commercial Suit (L) No.10666 of 2021 shall stand rejected without further reference to the Court.
- (iii).The Interim Application is disposed of in the above terms.

(R.I. CHAGLA, J.)