

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

**INTERIM APPLICATION NO. 3446 OF 2022
IN
COMMERCIAL SUIT (L) NO. 31183 OF 2021**

Vyomesh Shah ... Applicant/Orig. Plaintiff

Versus

Yes Bank Limited ... Defendant

Mr. Satya Srikant Vutha a/w Nayan Mahar i/b Khaitan Legal Associates
for the Applicant/Orig. Plaintiff.

CORAM : R.I. CHAGLA, J.

DATED : 8th SEPTEMBER, 2022.

ORDER :

1 Heard the learned Counsel appearing for the Applicant. By this Interim Application the Applicant has sought restoration of Commercial Suit (L) No.31183 of 2021 and for direction to the concerned department to assign a final/registration number to the captioned Commercial Suit.

2 The Applicant has stated that the Advocate for the Applicant was coordinating for removal of office objections with the concerned department of this Court. For which the Advocate for the Applicant attended the concerned Department on 09.06.2022 and 28.06.2022 when the office objections were addressed. On 28.06.2022 the Advocates for the Applicant signed the noting that all office objections stand addressed. Thereafter, a noting dated 04.07.2022 was entered in the relevant register of this Court. The Advocates for the Applicant were informed that all objections have been addressed and the Suit is 'admitted'.

3 The Applicant has stated that in or around the first week of July, 2022 on following up on the status of the final numbering of the present Suit, it came to the attention of the Applicant that the Suit had been rejected for non-removal of office objections and the status on the website of this Court was modified to reflect the status. Upon enquires, the Advocates for the Plaintiff were informed that the Suit is rejected on account of a notification of this Court where objections were directed to be addressed on or before 10.06.2022.

4 The Applicant has stated that in view of the office objections which were sought to be removed even before 10.06.2022, and that the objections were finally addressed on 28.06.2022 and the register also

reflected the Suit be admitted as on 04.07.2022, the status of the present captioned Commercial Suit could not have been thereafter changed to be rejected. The Applicant has stated that in view of the office objections having been removed, any delay in removal of office objections was completely inadvertent and not attributable to the Applicant. Accordingly the present Interim Application have been filed.

5 Having considered the averments of the Interim Application as well as noting the fact that it has been stated that the office objections were removed on 28.06.2022 and the Advocate for the Applicant signed the noting on that date that all office objections stand addressed as well as further noting on 04.07.2022 in the relevant register of this Court that all office objections have been addressed and the suit is 'admitted'. The Suit was then shown as rejected on account of non removal of office objections in the status on the website of this Court. This was in the month of first week of July, 2022.

6 Considering that the office objections have been removed and any delay in removal of office objections is due to the default of the Advocate, the Applicant should not made to suffer on account of such default. Accordingly, relief sought for in the Interim Application requires to be granted. Hence the following order :

- i) The Commercial Suit (L) No.31183 of 2021 is restored to the file by recall of the order/noting of rejection of the captioned Commercial Suit.
- ii) The Registry is directed to assign a final/registration number to Commercial Suit (L) No.31183 of 2021 in view of office objections having been removed.
- iii) Interim Application is accordingly disposed of.

(R.I. CHAGLA, J.)

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signed by
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WAGHMARE
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