

Sharayu Khot.

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

INTERIM APPLICATION NO. 4245 OF 2022

IN

COMMERCIAL SUIT (L) NO. 4095 OF 2021

TPL Plastech Ltd.

...Applicant/
Original Plaintiff

Versus

Ritzy Chemicals Pvt.Ltd. & Ors.

...Defendants

Mr. Gaurav Pandey a/w Ms. Chhaya Pandya i/by Pandyas Law Era for
the Plaintiff.

CORAM : R.I. CHAGLA J

DATE : 30 January 2023

ORDER :

1. By this Interim Application, the Applicant is seeking restoration of the Commercial Suit (L) No. 4095 of 2021 by recall of the order of rejection dated 13th June 2022.

2. Further relief is sought for extension of time to remove the remaining office objections. Delay in filing the Interim

Application is also sought to be condoned.

3. The Applicant has stated that the previous advocates for the Plaintiff were unable to comply with the office objections, which was raised in the captioned Commercial Suit. Though few objections had been complied with, the remaining objections were required to be complied with.

4. The Applicant had consistently followed up with the erstwhile advocates. Thereafter, the Applicant had changed the advocates and the present advocates upon checking the case status of the present matter, noticed that the captioned Commercial Suit has been rejected on 13th June 2022. This was pursuant to the notice issued by the office extending the time for compliance of the office objections and as per the last notice dated 6th May 2022, time was extended upto 10th June 2022, failing which the Commercial Suit stands rejected under Rule 986 of High Court (O.S.) Rules, 1986 for non removal of office objections without further reference to the Court.

5. The Applicant has stated that though several efforts were

made by the Applicant to contact the erstwhile advocates with regard to the removal of office objections, the office objections were not complied with. The erstwhile advocate has also given assurance to the Applicant that the office objections had been complied with and the Suit was being numbered.

6. I have considered the averments in the Interim Application as well as taken note of the fact that the erstwhile advocate of the Applicant had failed to comply with the remaining office objections despite the Applicant having consistently followed up of their advocates for removal of the office objections. The Applicant accordingly, should not be made to suffer on account of default of their previous advocates.

7. Hence, the relief sought for in the Interim Application is granted. The following order is passed. :-

- (i) Commercial Suit (L) No. 4095 of 2021 is restored to file by recall of the order of rejection dated 13th June 2022.

- (ii) The Applicant/Plaintiff is granted an extension of time of four weeks from today for removal of office objections failing which the Commercial Suit shall stand rejected without further reference to the Court.
- (iii) Delay in filing the Interim Application is condoned.
- (iv) The Interim Application is accordingly, disposed of.

[R.I. CHAGLA J.]