

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO.4276 OF 2022
IN
COMMERCIAL SUIT (L) NO.22750 OF 2021

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Loran Leasing & Infotech Pvt. Ltd. ... Applicant / Plaintiff
Vs.
Play Games 24x7 Private Limited ... Respondent / Defendant

Mr. Yashesh Kamdar a/w. Ms. Ruchi Doshi i/b. Nahush Shah Legal for
Applicant / Plaintiff.

CORAM : MANISH PITALE, J.
DATE : JUNE 06, 2023

P.C. :

Heard Mr. Yashesh Kamdar, learned counsel for the applicant.

2. The present application is filed for restoration of a suit, which stood dismissed in pursuance of a notice dated 06.05.2022 issued by the Prothonotary and Senior Master of this Court. The suit stood rejected due to non-removal of office objections.

3. This Court has observed that in numerous matters, such applications are routinely and casually filed seeking restoration of proceedings that have been rejected / dismissed due to non-removal of office objections. The explanation given on behalf of the applicant is that since omnibus and general notice was issued by the Prothonotary and Senior Master, which could not be said to be strictly in compliance with Rule 986 of the Bombay High Court (Original Side) Rules, 1980, the suit stood dismissed without proper notice to the advocate representing the applicant. The usual averments are found in this application that it was only after the suit stood dismissed by way of such a general and omnibus notice that steps were taken for filing the present application for restoration of the suit. The applicant has specifically

undertaken to remove the office objections within two weeks of restoration of the suit. Reliance is placed on order dated **10.03.2023** passed by this Court in **Interim Application No.308 of 2019 in Suit (L) No.1132 of 2019** (*Lok Everest CHSL vs. M/s. Jaydeep Developers and others*) and particularly paragraph 9 thereof.

4. A perusal of the said order passed by this Court in the case of **Lok Everest CHSL** (*supra*) shows that after considering Rule 986 of the aforesaid Rules, this Court held that common notices could not have been issued in such a manner giving blanket directions for removal of office objections within stipulated period of time, failing which, the proceedings would stand dismissed. After observing that such a common notice is contrary to Rule 986 of the aforesaid Rules, this Court restored the proceedings in the said matter.

5. The learned counsel appearing for the applicant submits that the factual position is covered as per the observations made in the said order of this Court, and that therefore, the present application may be allowed.

6. This Court has perused the notice dated 06.05.2022 issued by the Prothonotary and Senior Master, which refers to an order of this Court indicating that last chance was being granted to the applicant to remove office objections. It appears that after this Court passed such an order, a common notice was issued by the Prothonotary and Senior Master of this Court resulting in dismissal of the suit filed by the applicant (original plaintiff).

7. In the light of the said order dated 10.03.2023 passed by this Court in **Lok Everest CHSL** (*supra*), this Court is inclined to allow the present application, particularly because the applicant has undertaken in paragraph 9 of the application that the office objections would be removed within two weeks. But, it is the sad state of affairs that in many such matters, the litigants simply file proceedings / suits in this Court

and keep them under office objections, seldom making an effort to remove the office objections for facilitating the listing of proceedings before the Court. This unnecessarily burdens the docket of this Court, showing pendency of matters. It is expected that litigants pursue proceedings diligently through their advocates so that effective orders on merit can be passed. The matters remaining under objections for long period of time increases the burden of pendency of this Court, some times leading to such action being taken on the part of the Registry to reject / dismiss such proceedings which the litigant itself is not interested in pursuing.

8. Be that as it may, in the light of the above, the application is allowed and the suit is restored to file, subject to the office objections being removed within two weeks from today. It is made clear that no further extension for removing office objections shall be granted.

(MANISH PITALE, J.)

Minal Parab