

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO.65 OF 2023
IN
COMMERCIAL SUMMARY SUIT (L) NO.1384 OF 2018**

Brainer Impex Ltd. (Under Liquidation) ... Applicant/Org. Plaintiff

In the matter between :-

Brainer Impex Ltd. ... Org. Plaintiff

V/s.

Sanghvi Land Developers Pvt. Ltd. & Ors. ... Org. Defendants

Mr. Harjyot Singh i/by Raval Shah & Company for the Applicant/Petitioner.

Mr. Manmohan Rao a/w Sarika Gawde for the Defendants.

CORAM : ARIF S. DOCTOR, J.

DATE : 15TH FEBRUARY 2023

P.C. :

1. The present Interim Application has been filed seeking restoration of Commercial Summary Suit No. (L) No. 1384 OF 2018 which came to be dismissed due to failure to remove office objections. The present Applications has been file through the liquidator.

2. Learned Counsel appearing on behalf of the Defendant very fairly submits that the present Interim Applications can be allowed leaving all contentions of the parties open.

3. In view thereof, Interim Application is allowed in terms of prayer

clause (b) and (c) which read as under :-

"This Hon'ble Court be pleased to restore the Commercial Summary Suit (L) No. 1430 of 2018:

This Hon'ble Court be pleased to allow the present Application and grant the Applicant 4 (four) week's time to remove office objections in Commercial Summary Suit (L) No. 1430 of 2018:"

4. Learned Counsel appearing of behalf of the Plaintiff undertakes to remove the office objections within a period of four weeks from the date of order uploaded.
5. The present Interim Application is accordingly, disposed of in terms of the order.
6. It is made clear that in the event even the office objections are not removed within a period of four weeks from the date of order uploaded, the suit shall stand dismissed.
7. Affidavit in Reply to the Interim Application is taken on record.

(ARIF S. DOCTOR, J.)