

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO.102 Of 2024
IN
COMMERCIAL I.P. SUIT (L) NO.27849 OF 2021

Bhuvan Joshi	]	..	Applicant
IN THE MATTER BETWEEN			
Bhuvan Joshi	]	..	Plaintiff
vs.			
Kamnaran s/o late Arun Thakkur & Anr.	]	..	Defendants

Mr.Anand Mishra i/b Ashok Saraogi for the Plaintiff.

Mr.Harsh Moorjani a/w Ashwin Bhadang i/b Navin Sachanandani for Defendant No.2.

CORAM : BHARATI DANGRE, J

DATE : 31st January, 2024.

P.C.

1] Interim Application is taken out seeking restoration of the Suit which was dismissed on account of non removal of office objection, within the period stipulated by this Court and in furtherance of the notice issued by the Prothonotary and Senior Master on 31.03.2022.

2] Perusal of the notice would indicate that in furtherance of the directions issued by the Court, dealing with Commercial Suits, in all

those pending Suits with office objections, lodged on or before 31.12.2021, three weeks time was granted to remove office objections, failing which it was notified that it shall be rejected under Rule 986 of the High Court (Original Side) Rules, 1980, for non removal of office objections without reference to the Court.

3] Since the office objections in the present Suit were not removed within the period contemplated, it was dismissed.

The Application, filed for restoration proceed to state that as the Advocate on record was under an impression that the objections are removed and he could not notice its dismissal, for non removal of objections.

4] On hearing the learned counsel for the parties, I find justification to be bonafide and in any case for the fault of the counsel/ advocate, the party cannot be made to suffer.

Hence, I deem it appropriate to restore the Suit to its file.

Needless to state that on restoration of the Suit, the pending Interim Applications are also restored to file. The learned counsel for the Respondent is permitted to file the Affidavit in Reply/written statement, on restoration of the proceedings.

[BHARATI DANGRE, J]