

Sharayu Khot.

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

INTERIM APPLICATION NO. 990 OF 2025

IN

COMMERCIAL SUIT (L) NO. 35684 OF 2023

Ulltra Lifespace Private Limited

...Applicant /
Plaintiff

Versus

Pyramid Developers & Ors.

...Defendants

WITH

INTERIM APPLICATION NO.991 OF 2025

IN

COMMERCIAL SUIT (L) NO.4446 OF 2023

M J Shah Capital Private Limited

...Applicant /
Plaintiff

Versus

Pyramid Developers & Ors.

...Defendants

WITH

INTERIM APPLICATION NO.992 OF 2025

IN

COMMERCIAL SUIT (L) NO.35689 OF 2023

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Ulltra Lifespace Private Limited

...Applicant /
Plaintiff

Versus

Pyramid Developers & Ors.

...Defendants

WITH

INTERIM APPLICATION NO.993 OF 2025

IN

COMMERCIAL SUIT (L) NO.35688 OF 2023

Ulltra Lifespace Private Limited

...Applicant /
Plaintiff

Versus

Pyramid Developers & Ors.

...Defendants

WITH

INTERIM APPLICATION NO.1126 OF 2025

IN

COMMERCIAL SUIT (L) NO.7581 OF 2023

M J Shah Enterprise

...Applicant /
Plaintiff

Versus

Pyramid Developers & Ors.

...Defendants

Mr. Ashok M. Saraogi a/w Ms. Daksha A. Parmar, Ms. Pallavi Kulkarni
i/by Mr. Prajot H. Jaggi for the Applicant / Plaintiff.

Mr. Nishant Chothani a/w Mr. Rohit Bamne, Mr. Yash Chheda i/by
Maniar Srivastava Associates for the Defendant Nos. 1 to 3.

CORAM : R.I. CHAGLA J

DATE : 16 June 2025

ORDER :

1. Mr. Chothani, the learned Counsel for the Respondents / Defendants has tendered Affidavits in Reply to the respective Interim Applications which are taken on record.

2. By these Interim Applications, the Applicants / original Plaintiffs have sought for restoration of the respective Commercial Suits and for time of four weeks to remove the office objections in the captioned Commercial Suits as well as Interim Applications as this Court may deem fit and proper in the matter. Further, relief of condonation of delay in filing of the Interim Applications is sought.

3. The Applicants have stated that upon filing of the captioned Commercial Suits objections had been raised by the Registry and by a common Notice / standing order dated 19th October 2024, which was in continuation of standing order dated 26th August 2024, the captioned Commercial Suits came to be rejected for non removal of office objections within the stipulated time.

4. The Applicants have stated that it was due to inadvertent error and oversight on part of the Advocate for the Applicants / original Plaintiffs that the office objections could not be removed and the captioned Commercial Suits came to be rejected.

5. Mr. Saraogi, learned Counsel for the Applicants / original Plaintiffs has submitted that this Court in **Lok Everest CHS Ltd. Vs. M/s. Jaydeep Developers & Ors.**¹ followed in **National Stock Exchange of India Ltd. Vs. Allied Financial Services Pvt.Ltd.**² has taken a view that such common Notice / standing order issued by the Prothonotary & Senior Master is contrary to Rule 986 of the Bombay High Court (Original Side) Rules, 1980, as the common notice was issued without listing of the matters, which were the subject matter thereof. He has submitted that in the aforementioned decisions, the Suits were restored to file of this Court. He has submitted that the aforementioned decisions would be applicable to the present Applications.

6. Mr. Saraogi has also submitted that the reason given for

¹ IA No. 308/2019 in Suit (L) No. 1132/2019 dated 10.03.2023

² IA (L) No. 11728/2025 in Comm. Suit (L) No. 20213/2023 order dated 11.06.2025

the delay is due to inadvertent error and oversight on part of the Advocate for the Plaintiffs as well as the voluminous nature of documents. He has submitted that this Court in prior decisions have held that the Applicants should not be made to suffer on account of default of their Advocates.

7. Mr. Chothani, the learned Counsel for the Respondents / Defendants has opposed the Interim Applications. He has submitted that there is no explanation in the Applications for the delay in removal of office objections from the filing of the Suits. The only explanation purported to be pleaded is that there is an “inadvertent error” and “oversight” on part of the Advocate for the Plaintiffs.

8. Mr. Chothani has further submitted that mere blanket averment on inadvertence cannot be a justification for the delay in removal of office objections. He has submitted that the routine explanation about inadvertence cannot be used to cover laches on part of the Plaintiffs and such underhanded way has been deprecated by this Court. He has relied upon **Assistant Commissioner of Central Excise Vs. JSW Steel Ltd.**³ in this context.

³ 2016 SCC OnLine Bom 16149 paragraphs 1, 8

9. Mr. Chothani has submitted that there is a mere bald averment of delay being of 42 days without pleading a sufficient cause to condone the delay. He has submitted that in the absence of a pleaded case on sufficiency of cause of delay, evidently, the delay is not *bona fide* and the Plaintiffs have not acted diligently and hence, the delay ought not to be countenanced on equitable grounds. He has placed reliance on the decision of the Supreme Court in **Basawraj Vs. Special Land Acquisition Officer**⁴.

10. Mr. Chothani has submitted that the Suits are rejected for want of removal of office objections under the common Notice dated 19th October 2024. However, the case status on the website of this Court shows the date of disposal of the Suit as of 26th August 2024. He has accordingly submitted that the captioned Commercial Suits have not been rejected on the basis of the common Notice.

11. Having considered the submissions, in my view, it is not necessary to go into the reasons for the delay being sufficient or not, particularly since this Court has taken a view in **Lok Everest**

⁴ (2013) 14 SCC 81 paragraphs 9 to 15

CHS Ltd. (supra) followed in **National Stock Exchange of India Ltd.** (supra) that such common Notice / standing order as has been issued in the present case, i.e. on 26th August 2024, followed on 19th October 2024, is contrary to Rule 986 of the Bombay High Court (Original Side) Rules, 1980, as the common notice was issued without listing of the matters, which was the subject matter of the notice. On this ground alone, the captioned Commercial Suits require to be restored to file.

12. I do not find merit in the submissions of the learned Advocate for the Respondents / Defendants that the delay in removal of office objections is not *bona fide*, and/or that the Plaintiffs have not acted diligently and for which the delay is not to be countenanced on equitable grounds.

13. It has been consistently held by this Court that the Applicants cannot be made to suffer in the event of default of the Advocate for the Applicants / Plaintiffs for non removal of office objections. Further, there are voluminous documents and which took time for removal of office objections. This cause for the delay has also been previously considered by this Court and it has been held that

this would be a satisfactory cause for condoning the delay.

14. In view thereof, the relief sought for in the Interim Applications requires to be granted. Hence, the following order is passed.:-

- (i) The delay in filing of the respective Interim Applications are condoned.
- (ii) Captioned Commercial Suits are restored to file.
- (iii) The Applicants / original Plaintiffs are granted time of four weeks to remove any office objections, which remained to be removed and/or raised by the Registry.
- (iv) Non removal of the office objections within the stipulated time will result in rejection of the Suits without further reference to this Court.
- (v) Registry shall act upon this order.

(vi) The captioned Interim Applications are accordingly disposed of.

[R.I. CHAGLA J.]