

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

**INTERIM APPLICATION NO. 2545 OF 2026
IN
INTERIM APPLICATION (L) NO. 8088 OF 2026
IN
SUIT NO. 1383 OF 1995**

BANK OF INDIA)...APPLICANT

IN THE MATTER BETWEEN

M/S. J. KIMATRAI AND COMPANY)...PLAINTIFF

V/s.

BANK OF INDIA)...DEFENDANT

**WITH
COMMERCIAL SUIT NO. 15 OF 1996**

Mr.Siddha Pamecha a/w. Ms.Neha Jasuja i/by Thodur Law Associates,
Advocate for the Applicant and for the Defendant in S/1383/1995 and
for the Plaintiff in COMS/15/1996.

Mr.Rahul Narichania a/w. Mr.Aditya Trivedi i/by Indus Law, Advocate
for the Plaintiff.

CORAM : ABHAY AHUJA, J.

DATE : 10th JUNE 2026

PC. :

1. This Interim Application seeks restoration of Interim Application
(Lodging) No.8088 of 2026 which came to be dismissed for non-
removal of office objections within the time granted by this Court.

2. When the matter is called out, Mr.Siddha Pamecha, learned Counsel, appears for the Interim Applicant and submits that this Court may in the interest of justice restore the Interim Application (Lodging) No.8088 of 2026.

3. Mr.Siddha Pamecha draws this Court's attention to paragraphs 4 and 5 of the application submitting that the said paragraphs contain the explanation to restore the said Interim Application.

4. Although no reply has been filed to the said Interim Application, Mr.Narichania, learned Senior Counsel appearing for the Respondent/Plaintiff, submits that if this Court is inclined to restore the Interim Application, the same be subject to costs, as the said Interim Application which has been dismissed sought production of documents in the matter at a belated stage after the final hearing of the Suit had commenced.

5. A perusal of paragraphs 4 and 5 relied upon by Mr.Pamecha for the Interim Applicant only suggests that the explanation for non-removal of office objections is an administrative delay. It is settled law that administrative circumstance cannot be a reason to condone non-compliance or non-removal of office objections. The Applicant is a

bank having a proper legal team and advised professionally and cannot claim administrative or technical reason for non-compliance of orders of this Court. However, in the interest of justice, this Court deems it appropriate to restore the Interim Application but not without imposing costs to be paid to the Plaintiff.

6. Accordingly, subject to payment of costs of Rs.25,000/- to the Plaintiff within a period of two weeks, the Interim Application (Lodging) No.8088 of 2026 is hereby restored.

7. Let objections now be removed and registered number be obtained within a period of two weeks.

8. Let the said Interim Application thereafter be served on the Plaintiff in a week after that and an appropriate Affidavit of service be filed.

9. The Interim Application, accordingly, stands allowed and disposed as above.

(ABHAY AHUJA, J.)

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