

Mr. Sanskar Marathe, for Applicant/Plaintiff.
None for Defendant.

CORAM: S.J. KATHAWALLA, J.

DATE: 12th OCTOBER, 2015

P.C.:

1. On 07-12-2012 this Court (Coram : R.P.Sondurbaldota, J.) passed the following order :

“Though the Suit is placed on the board for dismissal, neither the Plaintiff nor the Counsel for the Plaintiff is present. The Suit is therefore, dismissed for default.”

2. Thereafter, the Plaintiff has taken out the above Notice of Motion seeking restoration of the Suit on 01-01-2013 on the ground set out in the Affidavit in support of the Notice of Motion. By an order dated 23-09-2015, the Advocate for the Plaintiff as well as Office were directed to give notice to the Defendant that the above Notice of Motion is placed today for hearing and if they fail to appear before the

Court, the Court shall proceed to pass appropriate orders on the Notice of Motion. The learned Advocate for the Plaintiff has filed his affidavit stating that the Defendant is not available at the address shown in the Plaint and his Advocate, who has filed Vakalatnama on behalf of the Defendant, has passed away. In view thereof, the Suit is restored to file and the Suit is now placed for Directions on 30-10-2015, first on board.

3. The learned Advocate for the Plaintiff shall advertise in Free Press Journal (in English) and Navshakti (in Marathi) that the Suit which was dismissed by an order dated 07-12-2012 is now restored by this order and placed for Directions before this Court on 30-10-2015 and if the Defendant fails to appear before this Court on that day, the Court shall proceed with the hearing of the Suit in the absence of the Defendant. Stand over to 30-10-2015.

4. The Notice of Motion is accordingly disposed of.

(S.J.KATHAWALLA,J.)