

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 1657 OF 2015
IN
NOTION OF MOTION NO. 695 OF 2013
IN
COUNTER CLAIM NO. 4 OF 2013
IN
SUIT NO. 3429 OF 2008

Maharashtra State Police Housing & Welfare
Corporation Ltd.

... Applicant/Plaintiff

Vs.

M/s. National (India) Contractors & Engineers

... Defendant/
Respondent

...

Mr. Pushkal Mishra i/b. M.V. Kini & Co. for the plaintiffs in counter claim
and for the applicant in NMS/1657/15.

Mr. T.G. Vora i/b. G.K. Vora, Sagar Kasar for the plaintiff to suit and
defendant to counter claim. .

....

CORAM : S.C. GUPTE, J.

DATE : 22.12.2015.

P.C.:

1. This matter is brought on board on the application of the defendant/respondent to the counter claim. On 08/12/2015 this Court made absolute the Notice of Motion taken out by the applicant/plaintiff to the counter claim for setting aside the dismissal of the counter claim. The order mentions that there is no reply filed by the respondent to the Notice of Motion. The learned counsel for the respondent produces a

copy of a praecipe addressed to the Prothonotary and Seniormaster for taking on record the respondents' reply to the Notice of Motion. Receipt of the praecipe together with the affidavit is acknowledged by the office of Prothonotary and Seniormaster as of 28/10/2015. So also, learned counsel for the respondent produces a copy of the covering letter addressed by the advocates of the respondent to the advocates of the applicant enclosing a copy of this reply. Even this is acknowledged by the advocates of the applicant as of 28/10/2015. The statement made in the order of 08/12/2015, referred to above, is incorrect to that extent and the same stands corrected. It is clarified that respondent to the counter claim has duly filed a reply to the Notice of Motion.

2. The plaintiff to the counter claim is permitted to file a reply to Notice of Motion no. 695 of 2013 taken out by the defendant to the counter claim within a period of three weeks from today.

3. Place the Notice of Motion, namely Notice of Motion No. 695 of 2013, for hearing on 18/01/2016.

(S. C. GUPTE, J.)