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

APPEAL No. 566 OF 2014
IN
NOTICE OF MOTION No. 1156 OF 2010
IN
SUIT No. 13 OF 2010

Sahjun Impex Trading Pvt. Ltd. ... Appellant
Vs.
The Official Liquidator of
Patheja Forgings & Auto Parts
Manufacturers Ltd. (In Liqn.) & Ors. ... Respondents

Mr. Zubin Behramkamdin a/w Niranjan Amit & Prerak Sharma i/b B.
Amin & Co., for the Appellant.

Mr. Snehal Shah a/w M/s. Geetanjali Joshi i/b Doijodi Associates, for
Respondent No. 7.

Mr. Monil Punjabi i/b Apex Law Partners, for Respondent No. 11.

CORAM : V. M. KANADE, &
REVATI MOHITE DERE, JJ.

DATE : FEBRUARY 6, 2015

PC.

1. The Appellant is challenging the order dated 23rd
December, 2013 passed by the learned Single Judge, dismissing the
Notice of Motion No. 1156 of 2010 on the ground that motion is not
served on the Respondents. Learned counsel appearing on behalf of
the Appellant submits that the Respondent Nos. 22 and 23 (who were

the only Respondents in the motion) were, in fact, served, and therefore, the observation made by the learned Single Judge in the impugned order is not correct.

2. Perused the impugned order. The Appellant has served the Respondents, none appears on behalf of the Respondent Nos. 22 and 23, though they are served. Learned counsel appearing for the Appellant undertakes to file affidavit of service within one week.

3. It appears that the said observation made by the learned Single Judge in the impugned order is not correct since in the notice of motion reply was filed by Respondent Nos. 22 and 23 and a rejoinder thereto was filed by the Appellant herein. In view of this, the impugned order dated 23rd December, 2013 is set aside and Notice of Motion No. 1156 of 2010 is restored to the file. Appeal is accordingly allowed and disposed of.

[REVATI MOHITE DERE, J.]

[V. M. KANADE, J.]

Vinayak Halemth