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

**NOTICE OF MOTION (L) NO. 692 OF 2015
IN
SUIT NO. 2972 OF 2010**

Rajnikant R. Shah & Ors. ...Plaintiffs/Applicants
Vs.
Sahara India Financial Corporation Ltd. & Ors. ...Defendants

Mr. Vishal Kanade i/b. Mr. Shailendra Singh,
Advocates for the Plaintiffs
Ms. Khooshnum Devierwala i/b. Mulla & Mulla CBC
Advocates for Defendant Nos. 35, 14, 15, 36, 37, 22, 23, 25, 26,
12, 13, 16 to 19, 21, 24, 20
Mr. Rishikesh Soni, Advocate for Defendant Nos.1, 42 to 48.

**CORAM : MRS. ROSHAN DALVI, J.
DATED : 20TH MARCH, 2015**

P.C. :

1. This notice of motion is for setting aside an order passed by the Prothonotary and Senior Master of this Court dated 13th November, 2014 dismissing the suit against defendant Nos. 1, 29, 31, 32 and 42 to 47. The defendant Nos. 1, 42 to 47 are represented by one Advocate. Defendant Nos. 29, 31 and 32 are represented amongst others by another Advocate. These defendants have taken out a notice of motion and / or filed their written statements. Hence they are deemed to have been served the summons. That aspect was not brought to the notice of the Prothonotary and Senior

Master of this Court. Hence the order has turned out to be erroneous. Consequently the order is set aside.

2. Defendant Nos. 12 to 26 and 28 to 39 have filed written statements. The other defendants have not filed their written statements. They shall file their written statements within 30 days.
3. Notice of motion is disposed off accordingly and the Suit is adjourned to 11th June, 2015 for framing of issues or for passing ex-parte order against those defendants who have not filed their written statements.

(ROSHAN DALVI, J.)