

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
NOTICE OF MOTION NO. 807 OF 2015  
IN  
SUIT NO. 1122 OF 2010**

Bansilal Jethanand Madhian

.. Plaintiff

Vs.

Hamara Construction

.. Defendant

Mr.Sahil Mahajan for plaintiff.

**CORAM : K.R.SHRIRAM, J.**

**DATED : 9<sup>TH</sup> OCTOBER, 2015**

**P.C.**

1 This notice of motion for recalling the order of 21.11.2014 dismissing the suit and restore the suit to file. The defendant, though served, is not present. The affidavit of service of one Vedprakash Mishra, affirmed on 23.09.2015, is taken on record. Though served, nobody is present for the defendant nor any reply filed.

2 For the reasons mentioned in the affidavit in support, notice of motion is allowed in terms of prayer clauses (a) and (b). The order of 21.11.2014 is recalled and the suit is restored to file.

3 The counsel for the plaintiff states that the pleadings in the suit are complete.

Stand over to 26.10.2015 for framing of issues. In the meanwhile, parties to file their respective affidavit of documents and also to complete discovery and inspection.

**(K.R. SHRIRAM, J.)**

**CERTIFICATE**

Certified to be true and correct copy of the original signed order/judgment.