

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.2231 OF 2005
IN
SUIT NO.2310 OF 1983**

M/s. M. Ravji and Co. ... Plaintiff
versus
Farook Dugli and Anr. ... Defendant

Ms. Arya Ambre i/by M/s. L.C.Tolat and Co., for Plaintiff.
None for Defendant.

CORAM: S.J. KATHAWALLA, J.

DATE: 29th SEPTEMBER, 2015

P.C.:

1. The above Suit was dismissed by an order of this Court (Coram : D.G.Karnik, J.) dated 8th July, 2005. The above Notice of Motion was taken out in the year 2005 for restoration of the Suit.

2. On 24th September, 2010, this Court (Coram : R.Y.Ganoo, J.) passed the following order in the above Notice of Motion :

“Court Associate informs the Court that R&P is not being produced for a long time. Office to take steps to reconstruct the papers within two weeks from today. After the papers are reconstructed, the Office to place the matter on Board for hearing”.

2. In the last five years, the Advocates for the parties have not approached the Office to extend assistance in reconstructing the papers. In the absence of any

assistance from the Advocates, it is impossible for the Office to reconstruct the records as directed by the Court. The learned Advocate for the Plaintiff states that they are not receiving any instructions from the Plaintiff and that they do not have papers in the matter.

3. In view thereof, the above Notice of Motion is dismissed for want of prosecution with liberty to the Plaintiff to take out a fresh Notice of Motion if so advised.

(S.J.KATHAWALLA, J.)

CERTIFICATE

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