

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

**NOTICE OF MOTION NO.1037 OF 2015
IN
SUIT NO.5492 OF 1998**

Poise Leasing and Finance Co. Ltd. & Ors.	...	Applicants/Plaintiffs
versus		
Bank of India	...	Defendant

Mr. Parekh, Plaintiff present in person.
None for Defendant.

CORAM: S.J. KATHAWALLA, J.

DATE: 21st NOVEMBER, 2015

P.C.:

1. Perused the Notice of Motion and the Affidavit in support thereto. The Notice of Motion is served on the Defendant. However, none appear for them. For reasons set out in the Affidavit in support of the Notice of Motion, the Notice of Motion is allowed in terms of prayer clause (a), which is reproduced hereunder :

“(a) the Hon’ble Court be pleased to recall and set aside the order dated 11th June, 2015 passed by this Hon’ble Court dismissing the above Suit and the suit be restored on the files of this Hon’ble Court and to proceed the same with recording of evidence by the learned Court Commissioner”;

2. The Notice of Motion is accordingly disposed of.
3. A copy of this order shall be forthwith served on the Defendants as well

as their Advocates by hand delivery.

4. Place the Suit for Directions on 27-11-2015.

(S.J.KATHAWALLA,J.)