

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

**NOTICE OF MOTION NO. 1120 OF 2014
IN
SUMMARY SUIT NO. 2495 OF 2012**

M/s. Joshi Bullion Gems & Jewellery Pvt. Ltd. .. Applicant

In the matter between :

M/s. Joshi Bullion Gems & Jewellery Pvt. Ltd. .. Plaintiff

Vs.

M/s. Space Mercantile Company Pvt. Ltd. .. Defendant

Mr.Manish Bhora i/b Dahibawkar & Co. for plaintiff.

CORAM : K.R.SHRIRAM, J.

DATE : 21ST JULY, 2015

P.C.

1 This notice of motion is taken out on behalf of the plaintiff for recalling the order dated 9.07.2014 dismissing the suit since nobody was present for the parties. The counsel for the plaintiff states that they attempted to serve the defendant at the addresses mentioned in the cause title and the packet came back undelivered with the endorsement '*left*'. The counsel also states that thereafter they checked in the records of the Registrar of Companies and the packet was sent again to the said address mentioned therein. The same has also come back undelivered with the endorsement '*left*'. The undertaking of the counsel for the plaintiff to file the

affidavit of service within one week from today is accepted.

2 For the reasons mentioned in the affidavit in support of the notice of motion, the notice of motion is allowed in terms of prayer clauses (a) and (b). The suit is restored to file. The counsel for the plaintiff states that they will take suitable steps to serve the defendant within three weeks from today. The office to issue fresh summons.

(K.R. SHRIRAM, J.)