

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

NOTICE OF MOTION NO.1432 OF 2014
ALONGWITH
NOTICE OF MOTION NO.1433 OF 2014
IN
SUIT NO.2810 OF 1998

Mr. Rajesh Keshav Makhija	...	Plaintiff
Vs.		
Mr. Paresh Kantilal Mamtora & Anr.	...	Defendants

Mr J J Thakkar, Adv. for plaintiff.
Ms. Achal Jain, Adv. S K Jain, Adv. for defendants.

CORAM : MRS. ROSHAN DALVI, J.
DATE : 15th January, 2015.

P.C. :

1. The suit came to be dismissed for default of appearance. The directions were passed in counter claim. Part of the directions were followed. Part of the directions were not followed. The counter claim is also liable to be dismissed. The suit is sought to be restored. In the interest of justice both parties must be heard on merits. Hence the order of dismissal is set aside. Suit is restored to file.

2. The plaintiff shall file his affidavit of evidence and affidavit of documents within three weeks. The suit shall be on board for considering the admissibility of the documents of the plaintiff on 5th February, 2015.

3. The defendant also shall file the affidavit of evidence as directed in the order dated 24th June, 2014 on or before 5th February,

2015. First on board.

4. Both Notices of Motion are disposed of accordingly.

(ROSHAN DALVI, J.)