

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.1564 OF 2015
IN
SUIT NO.87 OF 2014**

M/s. Khandelwal Laboratories Pvt. Ltd. ... Applicant/Plaintiff
versus
M/s. Famzy Nigeria Ltd. ... Defendant

Mr. Swapan Samdani i/by Mr. Rakesh Agarwal, for Applicant.
None for Defendant.

**CORAM: S.J. KATHAWALLA, J.
DATE: 14th DECEMBER, 2015**

P.C.:

1. Heard the learned Advocate for the Applicant. None for the Defendant, though served. Perused the Notice of Motion and the Affidavit in support thereto. 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) that the order dated 25th August, 2015 passed by this Hon’ble Court dismissing the above suit may be set aside the suit be tried on merits”;

2. The Notice of Motion is accordingly disposed of.
3. Place the Suit for Directions on 22-12-2015 first on board.
4. A copy of this order shall be served on the Defendant as well as on their Advocate by the Advocate for the Plaintiff.

(S.J.KATHAWALLA, J.)