

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****NOTICE OF MOTION NO. 3303 OF 2011****IN****SUIT NO. 1773 OF 1998****WITH****CHAMBER SUMMONS NO. 2166 OF 2011**

Chandrakant P. Mirani & Ors.

...Plaintiffs

vs.

Leo Joseph D'Mello & Ors.

...Defendants

Mr.J.S. Kini i/b. Mr.Suresh Dubey for Plaintiff No.1.

Ms.Nutan Patel i/b. M/s.Mahesh Menon & Co. for Defendant Nos.2 to 6.

CORAM : S.C. GUPTE, J.**13 MARCH 2015****P.C. :**

The Notice of Motion is taken out by Defendant Nos.2 to 6 for setting aside an order passed by the Prothonotary & Senior Master of this Court on 26 March 2007 transferring the suit as "Undefended Suit". The Defendants have prayed for condonation of delay of 1567 days in taking out the present Notice of Motion. There is no reply filed to the Notice of Motion.

2 Having regard to the averments made in the affidavit in support of the Notice of Motion, the delay is condoned and the Notice of Motion is made absolute in terms of prayer clause (b), subject, however, to the Defendants paying costs of Rs.50000/- to the Plaintiffs. The Defendants shall pay the costs ordered today and also file their written statement within a period of two weeks from today.

3 The Notice of Motion is, accordingly, disposed of.

(S.C. Gupta, J.)