

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.1903 OF 2015
IN
SUIT NO.2234 OF 2007**

Firoze Jainuddin Mantri ... Applicant/Plaintiff

versus

Zarina w/o Ahmed Izzat Mohammed
Hashim Dada and Ors. ... Defendants

Colonel Abhijit G. Kadam, for Plaintiff.

Mr. Simil Purohit with Mr. Kingshuk Banerjee, Mr. Abir P, Ms. Radhika Gupta i/by
M/s. Wadia Ghandy and Co., for Defendant Nos.1 to 4.

CORAM: S.J. KATHAWALLA, J.

DATE: 5th DECEMBER, 2015

P.C.:

1. 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 this Hon’ble Court be pleased to set aside the Order dated 1st October, 2015 passed in the present Suit No.2234 of 2007 whereby the present Suit is dismissed for the default of appearance of the Plaintiff and that in consequence the present Suit be restored to file for its hearing on merits”;

2. After the suit was dismissed, the Defendants have created third party rights in respect of the Suit property. In view thereof, the Original Defendants shall

maintain status quo in respect of the Suit Property as of today upto 18-12-2015 to enable the Plaintiff to take out appropriate proceedings and move for ad-interim / interim reliefs.

3. The Notice of Motion is accordingly disposed of.

(S.J.KATHAWALLA, J.)