

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****ORDINARY ORIGINAL CIVIL JURISDICTION****NOTICE OF MOTION (L) NO. 89 OF 2015  
IN  
SUIT NO. 288 OF 2002**

Chandrakant Vadilal Shah ...Plaintiff / Applicant  
vs.  
Maker Tower H Co-op.Hsg.Society Ltd. & Ors. ....Defendants

Mr.Akshay Kolse Patil i/b. Jyoti Badgujar for Plaintiff.

**CORAM : S.C. GUPTE, J.**

**18 FEBRUARY 2016**

**P.C. :**

The notice of motion is taken out for recall and setting aside of an order dismissing the suit. The suit was dismissed on 20 June 2014 for want of prosecution. The absence of the Plaintiff's advocate is adequately explained in the affidavit filed in support of the notice of motion. The Plaintiff's advocate was seriously unwell when the matter was before the court and even thereafter. The medical reports and record in this behalf are produced with the affidavit.

2            Though the Defendants have been duly served with the notice of motion, none appears for the Defendants to show cause.

3            The notice of motion is, accordingly, made absolute in terms of prayer clause (a). The suit to appear on board for directions on 11 March 2016.

**(S.C. Gupta, J.)**

