

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

**NOTICE OF MOTION NO. 325 OF 2015
IN
SUIT NO. 1385 OF 2011**

Pandurang Jairamji Hazare .. Applicant

In the matter between :

Pandurang Jairamji Hazare .. Plaintiff

Vs.

Smt. Pushpa Telrandhe .. Defendant

None for applicant/plaintiff.

Mr.R.S. Ghadge for plaintiff mentioned at 5:00 p.m.

Mr.L.R. Shukla a/w. Mr.Shivkumar Mishra i/b M/s. Legal Vision for defendant.

**CORAM : K.R.SHRIRAM, J.
DATE : 15TH OCTOBER, 2016**

P.C.

1 This notice of motion is taken out for recalling the order dated 28th November 2014 and to restore the suit to file.

2 On 28th November 2014, the suit was dismissed because nobody appeared on 26th November 2014 when the matter was called out twice and on 28th November 2014 ,though the suit was listed under the caption 'for dismissal'. Even today nobody is present for the applicant.

3 The notice of motion, therefore, stands dismissed for want of
prosecution.

4 At 5:00 p.m., the counsel for the plaintiff appeared and stated that he
was unable to remain present in the morning session as he was held up in
another Court.

5 I have considered the affidavit in support. For the reasons mentioned
therein, the suit is restored to file.

The notice of motion accordingly stands disposed. The registry to
issue writ of summons. The statement of the counsel for the plaintiff that
they will apply for issuance of writ of summons within one week and have it
served within four weeks, is accepted. If the application for issuance of writ
of summons is not made within one week, the suit will stand dismissed
without further reference to the Court.

(K.R. SHRIRAM, J.)