

VPH

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

APPEAL (L) No. 206 OF 2012
IN
CHAMBER SUMMONS No. 1011 OF 2010
IN
NOTICE OF MOTION No. 1870 OF 2010
IN
SUIT No. 896 OF 1983

Smt. Hema Wd/o. Dilip Valecha ... Appellant
Vs.
M/s. Dhaval Housing Corporation ... Respondents

None for the Appellant.

Mr. Rajiv Narula a/w Bhupesh Dhumatkar i/b Jhangiani Narula &
Associates, for the Respondents.

CORAM : V. M. KANADE, &
Mrs. SWAPNA S. JOSHI, JJ.

DATE : OCTOBER 10, 2016

PC.

. None appears on behalf of the Appellant. Heard Mr.
Rajiv Narula, learned counsel appearing on behalf of the Respondent
Corporation. A suit was filed by the plaintiffs for specific
performance of an agreement, which was entered into between the

parties in 1978. The said suit was abated as against plaintiff No. 2. The Appellant, therefore, took out a chamber summons for setting aside the abatement of the suit. The suit was also dismissed for want of prosecution. She, therefore, took out notice of motion for restoration of the suit. Both – the chamber summons and the notice of motion were heard together. The learned Single Judge by a reasoned order, more particularly given in paragraphs 10 and 11, did not condone the delay of more than 13 years for setting aside the abatement, as also the delay of more than four years from the date of dismissal of suit in default. We do not see any reason to interfere with the well reasoned order passed by the learned Single Judge. Appeal is therefore dismissed.

Sd/-

[Mrs. SWAPNA S. JOSHI, J.]

Sd/-

[V. M. KANADE, J.]

Vinayak Halemath