

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

**NOTICE OF MOTION NO. 1230 OF 2016
IN**

SUIT NO. 882 OF 2013

Suleman Janmohammad Saleh & Anr. .. Applicants

In the matter between :

Suleman Janmohammad Saleh & Anr. .. Plaintiffs

Vs.

The Momin Gujrat Co-operative Housing
Society Limited & Ors. .. Defendants

Mr.I.A.Siddiqui for plaintiffs/applicants.

Mr.Among Singh i/b D.P. Singh for defendant nos.1 to 4 and 6 to 11.

Mr.Nirman Sharma i/b Sonu Tandon for defendant nos.31(A) to 31(D).

Mr.Pavan S. Patil for defendant no.34.

Mr.Rajeev Mane, AGP for State-defendant nos.40 to 42.

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

P.C.

1 Heard the counsel for the applicant and also considered the affidavit in support thereto. It is not disputed that the suit was earlier dismissed on 11th June 2016 and restored. Since this has happened twice, the advocate for the plaintiffs states that he will also give donation of Rs.5000/- to TATA Memorial Hospital and Research Centre, Bombay within one week from today.

2 The notice of motion, therefore, stands allowed. The suit is restored to file.

3 The counsel for the plaintiffs states that defendants have been served and undertakes to file affidavit of service within four weeks from today. The defendants who have not filed the written statement, shall file the same within four weeks from today, failing which the suit will proceed as undefended suits against the said defendants.

4 Stand over to 2nd December 2016 for directions.

(K.R. SHRIRAM, J.)