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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION (L) NO. 2910 OF 2016**

**IN**

**CHAMBER SUMMONS NO. 1235 OF 2015**

**IN**

**SUIT NO. 1576 OF 2010**

**AND**

**CHAMBER SUMMONS NO. 1235 OF 2015**

**IN**

**SUIT NO. 1576 OF 2010**

Vasanti C. Dadhich & Anr.

...Plaintiffs

*Versus*

Bhagvatidevi K. Dadhich & 3 Ors.

...Defendants

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**Mr. Prashant Kamble, i/b Kartikeya & Associates, for the**  
*Applicants/Plaintiffs.*

**Ms. Pooja Surashe, i/b Mahendra Jain, for the Defendants.**

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**CORAM: G.S. PATEL, J**

**DATED: 24th October 2016**

**PC:-**

**NOTICE OF MOTION (L) NO. 2910 OF 2016**

1. Heard. By an order dated 23rd September 2016, I dismissed for non-prosecution the Plaintiffs' Chamber Summons No. 1235 of

2015 seeking impleadment of a third party. The present Notice of Motion seeks recall of that order and the restoration of Chamber Summons No. 1235 of 2015. Mr. Kamble for the Plaintiff says that he was unable to reach Court in time as he was on his legs in the Bombay City Civil Court.

2. The Notice of Motion is made absolute. The Order dated 23rd September 2016 is recalled. Chamber Summons No. 1235 of 2015 is restored to file.

### **CHAMBER SUMMONS NO. 1235 OF 2015**

3. By consent, the Chamber Summons is taken up for hearing and final disposal.

4. For the reasons set out in the Affidavit in Support, the Chamber Summons is made absolute in terms of prayer clause (a).

5. Leave to amend, without need of re-verification. Amendment to be carried out on or before 18th November 2016. A copy of the amendments is to be sent to the Advocates for the Defendants. They will complete their copies accordingly.

6. The Chamber Summons is disposed of in these terms with no order as to costs.

**(G. S. PATEL, J.)**