

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

**NOTICE OF MOTION NO. 1151 OF 2016
IN
SUIT NO. 1991 OF 2009**

Canara Bank .. Applicant

In the matter between :

Canara Bank .. Plaintiff

Vs.

Vijay Mhatre & Ors. .. Defendants

Mr.M.S. Topkar i/b Vaishali R. Bhilare for applicant/plaintiff.

None for defendants.

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

P.C.

1 This notice of motion is taken out for condoning delay of 1514 days in taking out this notice of motion and to set aside the order dated 9th March 2011 and restore the suit to file.

2 The order dated 9th March 2011 reads as under :

“P.C. : The Plaintiff and their Advocate absent today. They were absent on the earlier occasions also. There is nothing on record to show whether the defendants have been served or not. The suit dismissed for default.”

The counsel for the plaintiff-applicant states that the defendants were

not served. When I asked the counsel as to why the defendants were not served though the suit was filed on 3rd August 2009, the counsel stated that the plaintiff is a Public Sector Bank. In my view, that cannot be a sufficient ground for not serving the writ of summons.

3 The notice of motion, therefore, stands dismissed.

(K.R. SHRIRAM, J.)