

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.1974 OF 2016
IN
SUIT NO.170 OF 2014**

Raghu Achhana Shetty	...	Applicant
and		
Bhim Laxman Kapoor and Ors.	...	Plaintiffs
versus		
Anil Navrataram Kapoor and Ors.	...	Defendants

Mr. J.M.D'Silva, for Plaintiffs.

Mr. Vaibhav M. Parashurami i/by Mr. Vikrant V. Parashurami, for Defendant No.8/Applicant.

CORAM: S.J. KATHAWALLA, J.

DATE: 10th AUGUST, 2016

P.C.:

1. The learned Advocate for the Applicant is allowed to amend the Notice of Motion to the extent of seeking the setting aside of the order passed by this Court dated 09-06-2016. Amendment to be carried out forthwith.
2. Perused the Notice of Motion and the Affidavit in support thereto. For the reasons set out in the Affidavit in support of the Notice of Motion, the Notice of Motion is allowed in terms of prayer clause (a), subject to the Applicant paying cost of Rs.15,000/- to the Plaintiffs. Cost of Rs.15,000/- shall be paid to the Plaintiffs on or before 12-08-2016. Prayer clause (a) is reproduced hereunder :

“(a) This Hon’ble Court be pleased to set aside the order dated 20th

February 2015 passed by the Prothonotary and Senior Master and order dated 9th June, 2016 passed by this Hon'ble Court in Suit No.170 of 2014 and transferring the Suit from the list of undefended suit against Defendant No.8 to the list of defended suit;”

2. The Notice of Motion is accordingly disposed of.
3. Written Statement of Defendant No.8 is taken on record.
4. Place the Suit for Framing of Issues and Notice of Motion No.270 of 2014 for hearing and final disposal on 31st August, 2016.

(S.J.KATHAWALLA, J.)