

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

**NOTICE OF MOTION NO. 1160 OF 2015
IN
SUIT NO. 1907 OF 2011**

Mr.Vinay A. Rathi

...Applicant

In the matter between

Mr.Aabid Surti

...Plaintiff

vs.

Mr.Ashwini Dhir & Ors.

...Defendants

Mr.Vinay Rathi, Applicant / Adv.for Plaintiff.

Ms.Astha Tamhankar i/b. Zohair & Co. for Defendant Nos.1 and 2.

Mr.Rahul Mehta for Defendant No.5.

CORAM : S.C. GUPTE, J.

24 FEBRUARY 2016

P.C. :

The notice of motion seeks restoration of the suit, which was dismissed for want of prosecution by an order dated 9 June 2015. The suit was dismissed for want of prosecution since none had appeared for the Plaintiff on that date despite a last chance being given to the Plaintiff on the earlier occasion, when none had appeared for the Plaintiff. In his affidavit in support of the notice of motion, it is submitted by the Plaintiff that his Advocate could not attend the court since he was unwell on that date though he had attended the court in the morning session for some time. The application is opposed by Defendant Nos.1 and 2. For the reasons stated in the affidavit in support of the notice of motion, the notice of motion is made absolute in terms of prayer clause (a). By consent, hearing of the suit is expedited. The suit be placed for admission and denial of documents on 4 March 2016.

(S.C. Gupta, J.)