

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 1208 OF 2015

IN
SUIT NO. 989 OF 2014

Sea Star CHSL. ... Applicant / Plaintiff

Versus

Dr. Deepak Jagyasi & Ors. ... Defendants

Ms. Shweta J. Singh i/b. Lakshmi Murali and Associates for the Applicant / Plaintiff.
Mr. D.K. Anja for Defendant Nos. 1 and 2.

CORAM : S.J. KATHAWALLA, J.
DATED : 15TH FEBRUARY, 2016

P.C.

1. Perused the Notice of Motion and the Affidavit in support thereto and also the Affidavit in Reply filed by Defendant Nos. 1 and 2. For the reasons set out in the Affidavit in support of the Notice of Motion, the Notice of Motion is allowed and the above Suit is restored to file subject to payment of costs of Rs.10,000/- to Defendant Nos. 1 and 2.
2. The learned Advocate appearing for the Applicant / Plaintiff undertakes to forward the said amount of Rs.10,000/- towards costs to the Advocate for Defendant Nos. 1 and 2 within a period of two weeks from today. The undertaking is accepted.
3. Office to issue a fresh Writ of Summons against Defendant No. 3 returnable on 7th March, 2016. The same shall be served on Defendant No. 3 through a bailiff from the office of Sheriff of Mumbai by hand delivery.
4. The Plaintiff shall within a period of one week from today also amend the

cause title showing the name of Defendant No. 1 as Dr. Deepak D. Jagiasibava and the address of Defendant No. 2 as 501, Sea Star Co-operative Housing Society Limited, CTS No. 514, Balraj Sahani Marg, Juhu, Mumbai – 400049.

5. A copy of the amended Plaint shall be served on the Advocates for the Defendants.

6. The Notice of Motion is accordingly disposed of.

(S.J.KATHAWALLA, J.)