

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

**APPEAL NO. 442 OF 2009
IN
NOTICE OF MOTION NO. 2837 OF 2008
IN
SUIT NO. 3911 OF 1992**

Pravin Gandhi and Ors. ... Appellants.
V/s.

Om Prakash Dujodwala ... Respondent.

Mr. Rahul Nerlekar a/w. Ms. Khyati Pandit i/by Dhru & Co. for
the Appellants.

Mr. Aagam Doshi i/by Minal Doshi, Advocate for the
Respondent.

**CORAM : V. M. KANADE AND
MRS.SWAPNA JOSHI,JJ.**

DATE : 31st AUGUST, 2016

P.C. :

1 Heard learned counsel appearing for the Appellants
and the learned counsel appearing for the Respondent.

2 The appellants are aggrieved by the order dated
1st July, 2009 passed by the learned single Judge of this court
in Notice of Motion No. 2837 of 2008 in Suit No. 3911 of 1992.
By the said order, the Notice of Motion for restoration of the
Suit, which was dismissed on 12.01.2007 for want of

prosecution, was allowed and the suit was restored to the file of the learned single Judge. The learned single Judge has considered judgments of the appellate court and this court and has come to the conclusion that sufficient reasons have been given by the respondent-plaintiff for non-appearance in the Suit. We do not propose to interfere with the said order. Hence, the present appeal deserves to be dismissed.

3 The Appeal is, therefore, dismissed.

(MRS.SWAPNA JOSHI,J.)

(V. M. KANADE,J.)

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