

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

Amk

NOTICE OF MOTION NO. 1302 OF 2015
IN
SUIT NO. 2878 OF 2007

M/s. Minal Enterprises ...Applicant

In the matter between

M/s. Minal Enterprises ...Plaintiff
Versus

Durgadas Udasin Baba & Ors. ...Defendants

.....

Ms. Shaila Pathak i/b Jitendra Oak for the Plaintiff.
None for the Defendant.

CORAM : S. C. GUPTA, J.
DATE : 25th FEBRUARY, 2016.

P. C. :

1. This Notice of Motion seeks restoration of a Suit which was dismissed on 28.08.2008 by the Prothonotary & Senior Master of this Court. The Notice of Motion has been duly served on the defendants and an affidavit in proof of such service has been filed. The respondents are absent though served.

2. In support of the Notice of Motion, it is submitted by the applicant that what was shown on the board on that date was Suit

No. 2878 of 2000 and it was that suit which was shown as dismissed for non service. The present suit, which is suit No. 2878 of 2007, was neither shown on board nor dismissed on 28.08.2008. Entry on the Internet, however, shows the present suit as dismissed. It is, accordingly, clarified that the present suit is not dismissed by the Prothonotary & Senior Master. The order of dismissal, if any, is recalled and set aside and the suit is restored on board for hearing in accordance with law. The suit to come up on board for directions on 07.03.2016.

3. The Notice of Motion is disposed of accordingly.

(S. C. GUPTE, J.)