

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 296 OF 2016
IN
SUIT NO. 3332 OF 2001**

Binoy Janak Maniyar

.. Applicant/Org.Plttf.

In the matter between :

Binoy Janak Maniyar

.. Plaintiff

Vs.

Mrs.Bina Manak Mehta & Ors.

.. Defendants

Mr.Samir A. Vaidya for plaintiff/applicant.

Ms.Nayna Desai i/b Nimish Desai for defendants.

CORAM : K.R.SHRIRAM, J.

DATE : 15TH OCTOBER, 2016

P.C.

1 This notice of motion has been taken out on 11th August 2015 to recall an order dated 17th December 2011 dismissing the suit and to restore the suit to file.

2 First of all there has been a delay of almost four years in taking out this notice of motion. More than one year has been passed after the notice of motion is taken out and the motion is yet to be served. When I asked the counsel for the applicant why should the notice of motion not be dismissed in view of this delay, the counsel states that he leaves it to the Court and the Court may pass appropriate orders.

3 The notice of motion stands dismissed.

(K.R. SHRIRAM, J.)