

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

**NOTICE OF MOTION NO.2102 OF 2015
IN
SUMMARY SUIT NO.2062 OF 2002**

MSTC Ltd.

....Applicant/Plaintiff

V/s.

Omega Petro Products Pvt. Ltd. & Ors.

....Defendants

Mr. Phiroze Colabawalla a/w. Ms. Anamika i/b. PKA Advocates for the applicant/plaintiff.

Ms. Perna Gandhi i/b. Manilal Kher Ambalal & Co. for the defendant nos.1 to 3.

CORAM : K.R.SHRIRAM,J

DATE : 1st OCTOBER,2016

P.C.:-

1 This notice of motion is taken out to recall the order dated 18th June, 2014 and to restore the suit to file.

2 Have considered the affidavit in support of the notice of motion, particularly the explanations given in paragraph 4 onwards. In my view, it is a fit case to condone the delay and also to recall the order dated 18th June, 2014.

3 The suit is restored to file. The notice of motion accordingly stands disposed.

4 Ms. Gandhi, counsel appearing for the defendant nos.1 to 3 states that the registry be directed to accept the affidavit in reply. The registry to accept the same.

5 The defendants are yet to file their written statement though they have had more than 13 years. Therefore, as and by way of last chance, the time to file written statement is granted upto and including 15th October, 2016.

6 The suit to be listed for directions on 21st October, 2016.

(K.R.SHRIRAM,J)