

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

**NOTICE OF MOTION NO. 2430 OF 2016
IN
CHAMBER SUMMONS NO. 329 OF 2015
IN
SUIT NO. 416 OF 2013**

Mathew Damian Depenha & Ors. .. Applicants

In the matter between :

Doris Theresa Veljee .. Plaintiff

Vs.

Hazel Fernandes alias Hazel Milton Fernandes .. Defendant

And

Matthew Damian Depenha & Ors. .. Respondents

Mr.Savio Viegas for applicants.

Mr.Kunal Mehta i/b Ranjit & Co. for defendant no.1.

**CORAM : K.R.SHRIRAM, J.
DATE : 22ND DECEMBER, 2016**

P.C.

1 This notice of motion is taken out to restore chamber summons No.329 of 2015 that came to be dismissed on 20th August 2016 for default. It is stated that the applicant's husband was unwell and the applicant and her son were attending to him at the hospital. The counsel for the applicants states that the Advocate was also not well on that date. Shri Viegas also stated that he had viral fever on that date.

2 I have no reason to disbelieve Shri Viegas. In the circumstances, the notice of motion is allowed in terms of prayer clauses (a) and (b) and accordingly disposed.

The chamber summons No.329 of 2015 be listed for hearing on 25th January 2017.

(K.R. SHRIRAM, J.)