

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

**CHAMBER SUMMONS NO.1598 OF 2010
IN
SUIT NO.1363 OF 1983**

The Board of Trustees of the
Port of Bombay

....Applicant/Plaintiff

V/s.

M/s. Earnest & Company

....Defendant

Ms. Radha Bhandari i/b. M/s. M.V. Kini & Co. for the
applicant/plaintiff.

Mr. Akash Rebello a/w. Mr. Arun Nile i/b. G.K. Tripathi for the
proposed defendant.

CORAM : K.R.SHRIRAM,J

DATE : 31st AUGUST, 2016

P.C.:-

1 This chamber summons is taken out for (a) recalling the
order dated 31st March, 2010 and restoring notice no.570 of 2009 and
(b) leave to amend the execution application.

2 Mr. Rebello, counsel appearing for the Earnest John and
Company Private Limited states that the said company has nothing to
do with Earnest and Company. The counsel for the applicant states
that the court may allow the restoration application but liberty be
granted to the applicant to take out fresh application to bring on
record Earnest John and Company Private Limited. Mr. Rebello states
that the name of “*Earnest John and Company Private Limited*” has

been changed to “*Earnest John and Company Limited*”.

3 For reasons mentioned in the affidavit in support and additional affidavit in support dated 30th August, 2016, the order dated 31st March, 2010 is recalled and the notice no.570 of 2009 is restored to file. As regards the prayer clause – (b), the same is allowed to be withdrawn with liberty to take out fresh chamber summons.

4 The counsel for the applicant states that the said chamber summons will be taken out within four weeks from today.

5 The chamber summons accordingly stands disposed.

(K.R.SHRIRAM,J)