

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

NOTICE OF MOTION NO. 2182 OF 2015

IN

SUIT NO. 524 OF 2013

AND

NOTICE OF MOTION NO. 1038 OF 2013

Hassanali Mukdam and Anr. ... Applicants / Plaintiffs

Versus

The New Green Chambers

CHSL & Anr. ... Defendants

Mr. Prasad Pathare i/b. Rajesh Bindra for the Applicants / Plaintiffs.

Mr. Mayur Khandeparkar i/b. Shweta Singh for Defendant No. 1.

Mr. S.C. Singh i/b. Amar Khanna for Defendant No. 2.

CORAM : S.J. KATHAWALLA, J.
DATED : 18TH JANUARY, 2016

P.C.

1. Perused the Notice of Motion and the Affidavit in support thereto. The reasons given in the Affidavit in support of the Notice of Motion for restoration of the above Suit are not accepted by the Court. In fact, the same are false to the knowledge of the Plaintiffs / Deponents. However, only since the learned Advocate appearing for the Plaintiffs has submitted that Plaintiff No. 1 is 74 years old, is a cardiac patient and has undertaken to pay an amount of Rs.12,500/- each to Defendant Nos. 1 and 2 on or before 10th February, 2016, the Notice of Motion is allowed in terms of prayer Clauses (a) and (b), which are reproduced hereunder :

“(a) That this Hon'ble Court be pleased to set aside Order dated 21st October, 2015 passed by this Hon'ble Court dismissing Suit No. 524 of

2013 as well as Notice of Motion No. 1038 of 2013 ;

(b) That this Hon'ble Court be pleased to restore Suit No. 524 of 2013 as well as Notice of Motion No. 1038 of 2013 which have been dismissed for want of prosecution and the same be listed on board for hearing.”

2. Notice of Motion No. 2182 of 2015 is accordingly disposed of.
3. Place Notice of Motion No. 1038 of 2013 for hearing and final disposal on 15th February, 2016.

(S.J.KATHAWALLA, J.)