

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

**NOTICE OF MOTION NO.2092 OF 2015
IN
SUIT NO.836 OF 2013**

Adani Enterprises Ltd.

....Plaintiff

V/s.

Delta Navigation WLL

....Defendants

Mr.Vikram Nankani, Senior Advocate a/w Ms.Rishika Rajadhyaksha and Mr.Shailesh Poria i/by Economic Laws Practice for the plaintiff/applicant.

Mr.Rajesh B.Jain a/w Mr.G.Thyagarajan i/by Legal Juris for defendants.

**CORAM : K.R.SHRIRAM,J
DATE : 8.9.2016**

P.C.:-

1 Shri Rajesh Jain appearing for the defendants states that he has been served a copy of the Notice of Motion only in court today. Shri Nankani appearing for the applicant states that a copy of the Notice of Motion has been served upon the defendants way back in March-2016 and the defendants had enough time to file an affidavit in reply.

2 The relief sought in this Notice of Motion is to restore the suit that came to be dismissed for default by an order dated 21.11.2015. The affidavit in support is filed by an advocate practicing in this court who was attending to this matter on behalf of the

advocates on record for the plaintiff.

3 I have considered the explanation given in the affidavit in support. In view of what is stated in the affidavit in support, in my view, it is a fit case to allow the Notice of Motion. Suit No.836 of 2013 stands restored to file. The suit be placed for directions on 30.9.2016.

4 Shri Rajesh Jain appearing for the defendants undertakes to file his Vakalatnama in this Notice of Motion within a period of two weeks from today. Undertakings accepted.

(K.R.SHRIRAM,J)