

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

**NOTICE OF MOTION NO.761 OF 2016
WITH
CHAMBER SUMMONS NO.1232 OF 2008
IN
SUIT NO.1427 OF 1996**

M.R.Charities Pvt. Ltd.)....Plaintiff

V/s.

TCI & F of the Goud Saraswat Brahmin)
Community of Bombay & Ors.)....Defendants

Mr.Gokhale i/by M/s.Mahesh Jani & Co. for the plaintiff/applicant.

Mr.Rege for defendants.

CORAM : K.R.SHRIRAM,J

DATE : 3.7.2017

P.C.:-

NOTICE OF MOTION NO.761 OF 2016

1 This Notice of Motion is to restore Chamber summons No.1232 of 2008 which came to be dismissed on 26.10.2015 for default.

2 Mr.Rege for the defendants leaves it to the Court to allow the Notice of Motion or otherwise.

3 Heard Mr.Gokhale for the applicant and also considered the affidavit in support. For reasons mentioned therein, Notice of Motion is allowed in terms of prayer clauses-(a) and (b) and stands disposed accordingly. Chamber summons No.1232 of 2008 is restored to file.

CHAMBER SUMMONS NO.1232 OF 2008

- 1 Mr.Gokhale states that the respondent nos.11 & 12 who they seek should be joined as party defendants have been served. There is an affidavit of service of one Suhas Sandaye affirmed on 20.11.2013 from which it appears that only respondent no.11 has been served but not 12. Mr.Gokhale requests the matter be stood over to enable them to either file affidavit of service on respondent no.12 or serve respondent no.12 during the course of this week.
- 2 Chamber summons be listed for hearing along with Notice of Motion on 12.7.2017.

(K.R.SHRIRAM,J)