

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

**NOTICE OF MOTION NO. 254 OF 2017
IN
CHAMBER SUMMONS NO. 893 OF 2015
IN
SUMMARY SUIT NO. 107 OF 2015**

Shree Sai Rent A-Car Pvt.Ltd.	...Plaintiff / Applicant
Versus	
M/s. Sea Bird Tourist Centre	...Defendant

Mr.Vishal Kanade with Kirtida Chandarana I/b. Mahernosh J. Humranwala
for the Plaintiff.

Mr. Rajesh Ghag for the Defendant.

CORAM : S.C. GUPTE, J.

21 JULY 2017

P.C. :

This notice of motion is taken out for recall of a dismissal order passed in the Plaintiff's chamber summons, being chamber Summons No.893/2015. The order dismissing the chamber summons sets out the circumstances in which the order came to be passed. Going by the circumstances narrated in the order passed on 14 July 2015, though it is in the interest of justice to recall that order and restore the chamber summons on file, the Plaintiff will have to pay costs of this order to the Defendant.

Accordingly, Notice of Motion No.254/2017 is allowed in terms of prayer clause (a) and the chamber summons is restored. The Plaintiff /Applicant shall pay costs of this application quantified at Rs.25,000/- to the Defendant within two weeks from today. Costs to be condition precedent. The chamber summons shall now come up for hearing on 11 August 2017.

(S.C. Gupta, J.)