

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

**NOTICE OF MOTION NO. 359 OF 2017
IN
SUIT NO. 639 OF 2006**

Revathi J. Shetty

.. Plaintiff

Vs.

Ravi A. Shetty & Ors.

.. Defendants

Mr.K.N. Khandekar for plaintiff/applicant.

Mr.Ramchandran N. i/b Narayan and Narayan for defendant no.1.

CORAM : K.R.SHRIRAM, J.

DATE : 1ST MARCH, 2017

P.C.

1 This notice of motion is for restoring the suit which came to be dismissed on 23rd January 2017. It is recorded in the order of 23rd January 2017 that the plaintiff remained absent on 21st November 2016, 19th January 2017 and on 23rd January 2017 even though the matter was listed for dismissal of the notice of motion as well as the suit. In the affidavit in support, it is stated that on 23rd January 2017, the plaintiff's advocate was busy in another matter. No explanation is given for the advocate's absence on 21st November 2016 and on 19th January 2017.

2 Shri.Kandekar for the plaintiff/applicant states that it was his fault because of which nobody remained present in Court and requests the matter

be restored. The plaintiff to give a donation of Rs.5,000/- to Army Welfare Fund Battle Casualties within one week from today and this amount has to be paid by the Advocate for the plaintiff.

3 The suit and the notice of motion No.1391 of 2006 are restored to file and the notice of motion No. 359 of 2017 accordingly disposed.

4 Shri Kandekar states that the plaintiff do not wish to lead any evidence and the preliminary issue on limitation framed under Section 9A of the Code of Civil Procedure, 1908 be taken up for final hearing.

5 Notice of motion No.1391 of 2006 be listed for final hearing on 6th April 2017 on the preliminary issue raised.

(K.R. SHRIRAM, J.)