

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

NOTICE OF MOTION NO. 620 OF 2017

IN

NOTICE OF MOTION NO. 1586 OF 2014

IN

SUIT NO. 1366 OF 2011

Sajjan Nathmal Agarwal Applicant

IN THE MATTER BETWEEN

Sarojkumar Nathmal Agarwal & Ors Plaintiffs

Vs.

Sajjan Nathmal Agarwal & Ors Defendants

Ms. Swati Sawant for Applicant/Org. Defendant Nos. 1,3,5 & 5.
Ms. Sharanya Sankaranarayan I/b. Nityoah Sunel and Associates for
Plaintiffs. .

Coram : G.S. KULKARNI, J.

Date : 21 DECEMBER 2017

P.C:

1. Heard learned counsel for the applicant. This motion is taken out on behalf of defendant nos. 1, 3, 4 and 5. The prayer in the motion is for setting aside of the order dated 04th August, 2016 passed by this Court, whereby the notice of motion no. 1586 of 2014 came to be dismissed for

want of prosecution.

2. Learned counsel for the applicant submits that there is a obvious mistake in as much as the appearances clearly show that defendant nos. 1, 3, 4 and 5 was represented by Ms. V.R. Raje instructed by Ms. Swati Sawant for the applicant in the present motion/defendant nos. 1, 3, 4 and 5.

3. It is therefore submitted that the order be set aside and the notice of motion no. 1586 of 2014 be restored along with interim reliefs which came be granted in favour of these defendants by an order dated 30th April, 2015.

4. Learned counsel for the applicant does not dispute this position. Accordingly, having perused the averments as made in the affidavit in support of this notice of motion, it is in the interest of justice that this motion be allowed. There is a delay of 166 days in filing this notice of motion which has been satisfactorily explained.

5. Accordingly, the notice of motion is allowed in terms of prayer clause (a), (b) and (c).

(G.S. KULKARNI, J.)