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

**NOTICE OF MOTION NO. 447 OF 2017
IN
COMMERCIAL SUIT NO. 448 OF 2017**

B. Anjaneyulu .. Applicant

In the matter between

DBM Geotechnics & Constructions Pvt. Ltd. .. Plaintiff

Vs.

B. Anjaneyulu .. Defendant

**WITH
NOTICE OF MOTION NO. 380 OF 2017
IN
COMMERCIAL SUIT NO. 448 OF 2017**

DBM Geotechnics & Constructions Pvt. Ltd. .. Applicant

In the matter between

DBM Geotechnics & Constructions Pvt. Ltd. .. Plaintiff

Vs.

B. Anjaneyulu .. Defendant

Ms. Akansha Agarwal a/w. Mr. Joshna D'souza i/b Vigil Juris for the Plaintiff.

Mr. A. R. Pai a/w. Mr. Tejas Luniya i/b Thodur Law Associates for the Defendant.

CORAM : B. P. COLABAWALLA, J.
DATE : 10th NOVEMBER, 2017.

P. C. :

1. Notice of Motion No. 447 of 2017 has been filed by the defendant seeking to recall the order passed by this Court on 25.07.2017.

This Court, by the said order, has recorded statement of the learned

counsel appearing on behalf of the defendant that the defendant seeks time to file reply to Notice of Motion No. 380 of 2017 and the defendant was also directed to disclose its assets, both encumbered and unencumbered.

2. Today a new Advocate is appearing on behalf of the defendant and has solemnly stated before me that no such instructions were given to the defendant by the erstwhile Advocate. Despite the prayer in this Notice of Motion, Mr. Pai, learned Advocate appearing for the defendant has fairly stated that he is not pressing this Notice of Motion and the defendant shall comply with the order passed by this Court on 25.07.2017 within a period of four weeks from today.

3. Purely out of indulgence and as a last chance, the defendant is directed to comply with this Court's order dated 25.07.2017 within a period of four weeks from today.

4. Notice of Motion No. 447 of 2017 is, accordingly, disposed of.

5. Place Notice of Motion No. 380 of 2017 on 08.12.2017.

[B. P. COLABAWALLA, J.]