

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

NOTICE OF MOTION NO.847 OF 2014

IN

SUIT NO.261 OF 2014

Smt. Najma Bano Salim Ansari and Ors.Applicants/Plaintiffs

Vs.

Samnan Shahid Mir and Ors.Defendants

None for applicants/plaintiffs.

Mr. Varun Shah i/b. M/s. Yusuf and Associates for defendant nos.1 and 2.

Ms. Kausar Banatwala a/w. Ms. Priyanka Gandhi i/b. Mr. Tushar Goradia
for defendant no.3.

CORAM : K.R.SHRIRAM, J.

DATE : 3rd AUGUST, 2017

PC.:

1 The counsel for defendant nos.1 and 2 and counsel for defendant no.3 state that the order passed on 13th February, 2014 be confirmed as order in the notice of motion and notice of motion be disposed.

2 In the circumstances, the order passed on 13th February, 2014 is confirmed as order in the notice of motion and the notice of motion accordingly stands disposed.

3 On 13th March, 2015, the Prothonotary and Senior Master was pleased to direct plaintiffs to serve all unserved defendants, failing which suit against unserved defendants will be dismissed for non-compliance of Original Side Rule 87.

4 Though the matter was called out twice once, in the pre-lunch session and once in the post lunch session, plaintiffs were absent. Even when the order of 13th March, 2015 was passed, plaintiffs it appears were absent.

5 Therefore, suit as against all defendants, except defendant nos.1 to 3, stand dismissed for want of prosecution unless plaintiffs file an affidavit within one week proving service on all defendants other than defendant nos.1 to 3. If writ of summons is served, then the suit as against those defendants to be transferred to the list of undefended suits.

6 Stand over to 11th August, 2017 for directions.

(K.R. SHRIRAM, J.)