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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1395 OF 2015

IN

SUIT NO.4766 OF 1997

WITH

RESTORATION APPLICATION NO.865 OF 2015

IN

SUIT NO.4766 OF 1997

Anjali Santosh Patankar

...Plaintiff

vs

Smt. Kamal M. Pethe And 6 Ors.

...Defendants

.....

Ms. Smita R. Gaidhani, for the Applicant/Plaintiff.

.....

CORAM : S.C. GUPTE, J.

DATED : JANUARY 23, 2018

P.C. :

. The Notice of Motion seeks recall of a dismissal order passed on account of default of appearance. There is a delay of 62 days in taking out the Motion. The delay has been explained in the affidavit in support of the Notice of Motion. The Motion has been duly served on the Defendants personally. Learned Counsel for the Plaintiff undertakes to file an affidavit in proof of such service within a period of two weeks from the date. For the reasons stated in the affidavit in support of the Notice of Motion, the delay is condoned and the order is recalled and set aside. The suit is restored to file. The suit to appear on board for directions on 12 February 2018. The Notice of Motion is disposed of accordingly.

(S.C. GUPTE, J.)