

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

**NOTICE OF MOTION NO.414 OF 2017
IN
NOTICE OF MOTION (L) NO.2578 OF 2016
IN
SUIT NO.1885 OF 2009**

Kashiram Ambre & Ors.)....Applicants/Plaintiffs
V/s.

Reatox Guru Developers Pvt. Ltd. & Anr.)....Defendants

Mr.Vijay S.Kurle for applicants/plaintiffs.

Mr.Ranjeev Carvahlo a/w Mr.Sagar Hate and Ms.Rini Fernandes I/by
Sabeena Mahadik for defendant no.1.

CORAM : K.R.SHRIRAM,J

DATE : 23.10.2018

P.C.:-

1. Mr.Ranjeev Carvahlo on instructions from Ms.Sabeena Mahadik undertakes to file Vakalatnama on behalf of defendant no.1.
Undertaking accepted.

2. Heard counsel and considered affidavit in support. For reasons mentioned therein, Notice of Motion allowed in terms of prayer clause-(a) which reads as under :-

“(a) That the order dated 18.10.2016 thereby rejecting Notice of Motion (L) No.2578/2016 passed by the learned Prothonotary and Senior Master be set aside and Notice of Motion be restored to file”.

3. Applicants to pay sum of Rs.5,000/- as donation to “The “Free Ophthalmic Hospitals Society”, S.B.Account No.011710005364, IFSC Code : BKDN0450117, Dena Bank, Parel, Mumbai-400 012, and this amount to be paid within two weeks from today.

NOTICE OF MOTION (L) NO.2578 OF 2016

1. The undertaking of Mr.Kurle for the applicants to remove all office objections in this Notice of Motion within two weeks from today, is accepted. It is made clear that if office objections are not removed within the time provided, Notice of Motion will stand dismissed without further reference to this court.

2. Mr.Carvahlo on instructions from Ms.Sabeena Mahadik undertakes to file Vakalatnama on behalf of defendant no.1 within one week from today. Undertaking accepted.

3. Mr.Kurle for the applicants seeks leave to file further affidavit in support of this Notice of Motion explaining in detail why nobody appeared on 28.7.2016. Affidavit to be filed and copy served by 12.00 noon on 29.10.2018.

4. Stand over to 30.10.2018.

(K.R.SHRIRAM,J)