

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

NOTICE OF MOTION NO.624 OF 2017
IN
SUIT NO.519 OF 2008
WITH
NOTICE OF MOTION NO.1521 OF 2008

Hansaben Nanji Gada alias Shah ... Applicant
(Org. Plaintiff)

In the matter between :

Hansaben Nanji Gada alias Shah	...	Plaintiff
Versus		
Rajesh Nanji Gada alias Shah		
And Others	...	Defendants

Mr. Piyush M. Shah a/w Ms. Meetal Savla for the Applicant/Plaintiff.
Mr. Shanay Shah I/b G.B. Solanke for Defendant No.1.

CORAM : S.C.GUPTE, J.

DATE : 10 JANUARY 2018

P.C. :

. This Notice of Motion is taken out for recall of orders of dismissal of a Notice of Motion as well as the Suit. By two separate orders, the Notice of Motion and the Suit were dismissed by this Court for want of prosecution. The Suit was dismissed on the ground that despite the directions given by the Court, no affidavit of evidence was filed by the Plaintiff, whereas the Notice of Motion was dismissed for want of appearance. The Motion is opposed by the Defendants. The Plaintiff has made out a case of reasonable excuse for not having filed affidavit of evidence in time. The excuse for non appearance on the date the Notice of

Motion was dismissed, has also been duly made out. Accordingly, for the reasons stated in the affidavit in support of the Notice of Motion, the motion is made absolute in terms of prayer clause -(a). Learned Counsel for the Plaintiff tenders his affidavit of evidence along with compilation of documents. The affidavit is taken on record as examination in chief of the Plaintiff. Let the suit come up for marking of documents on 1 February 2018.

(S.C. GUPTE, J.)