

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION (L) NO. 683 OF 2018
IN
APPEAL (L) NO. 312 OF 2018

Goldcrest Captial Market Private
Limited ... Applicant/Appellant.
V/s.
Ashok Mittal ... Respondent.

Mr. Girish Godbole a/w. Mr. Piyush Rahija, Ms Triveni Jani, Mr. N.L. Parekh, Mr. Bhushan Shah and Ms Janhavi Doshi I/b Mansukhlal Hiralal and Co. for the Appellant.
Mr. Ankit Lohiya and Ms Rujuta Patil I/b Ashok Purohit and Co. for the Respondent in NMAL/683/18.

CORAM : A.S. OKA AND M.S. SONAK, JJ.
DATE : 17th SEPTEMBER 2018.

P.C.:

1] Heard the learned counsel for the parties.

2] By the order impugned in the appeal, the learned Single Judge has restored the suit filed by the respondent. The suit was dismissed by the order dated 16th July 2014. In the Notice of Motion for restoration taken out by the respondent in the year 2018, the suit has been restored. *Prima facie*, it appears to us that no reasons have been recorded for restoring the suit. It appears that only because an *ex parte* decree passed in a suit filed by the present applicant against the respondent was set aside that the learned Single Judge by the impugned order has restored the suit filed by the respondent. Apart from the fact that no reasons have been stated for restoration of the suit, the order setting aside *ex parte* decree passed in the

suit filed by the applicant has been stayed by a separate order passed today in Notice of Motion (L) No. 710 of 2018.

3] Hence, a case is made out for grant of stay of operation of the impugned order. Accordingly, Notice of Motion is made absolute in terms of prayer clause (a).

(M. S. SONAK, J.)

(A.S.OKA, J.)

Dinesh
Sadanand
Sherla

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by Dinesh
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2018.09.24
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