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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 1503 OF 2013
IN
SUMMONS FOR JUDGMENT NO. 295 OF 2011
IN
SUMMARY SUIT NO. 1447 OF 2011**

Mansingh M. Nayak

... Plaintiff

vs

Asif Raza Khan

... Defendant

None for the Applicant.

Ms.Prachi Mhatre i/b. M/s. Shiralkar & Co. for the Respondent.

CORAM : A.K. MENON, J.

DATE : 29th AUGUST, 2018

P. C.

1. None for the defendant / applicant. By this notice of motion the defendant seeks setting aside of an ex-parte decree passed on 31st January, 2012 by which a summons for judgment was made absolute. The motion was first listed on 5th September, 2013 and has thereafter been adjourned from time to time, initially because the motion was still on lodging number and thereafter in order to enable the plaintiff to proceed with the matter.

2. On 21st December, 2016 the Court granted a liberty to the plaintiff to proceed with the motion and adjourned the same to 5th January, 2017. Thereafter the matter was listed before this Court on 18th June, 2018 when the Advocate for the plaintiff

sought time to file a rejoinder. Time was accordingly granted. Rejoinder dated 25th June, 2018 has since been filed. Thereafter on 2nd July, 2018 the matter was adjourned by consent to 9th July, 2018 for hearing but it did not reach for want of time. The matter has since been taken up today. However, the defendant / applicant and their Advocate are absent. In the circumstances, I pass the following order;

(i) Notice of motion is dismissed for default.

(ii) No costs.

(A.K. MENON, J.)

Rajeshwari
Ramesh
Pillai

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signed by
Rajeshwari
Ramesh Pillai
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