

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

**SUIT NO.407 OF 2013
WITH
NOTICE OF MOTION NO.1708 OF 2017**

Chandansagar Infrastructure Pvt. Ltd.
And Others ... Plaintiffs

Versus

Alka Ashok Mehta
And Others ... Defendants

Mr. Niranjan P. Bhavake for the Plaintiffs.
MR. I.R. Tripathi I/b Ms. Bhagyashri Gawas for Defendant No.7 and the
Applicant in Notice of Motion No.1708 of 2017.

CORAM : S.C.GUPTE, J.

DATE : 11 OCTOBER 2018

P.C. :

Heard learned Counsel for the parties.

2 This Notice of Motion is taken out by Defendant No.7 seeking a recall of an *ex parte* decree passed against him. There is a delay of about sixty days in taking out the notice of motion. For the reasons stated in the affidavit in support of the notice of motion, the delay is condoned and the *ex parte* decree passed against Defendant No.7 is recalled and set aside. Defendant No.7 shall pay costs quantified at Rs.30,000/- to the Plaintiffs. Costs to be condition precedent. Defendant No.7 has already supplied a copy of the written statement to the Plaintiffs. Office to take on record the written statement of Defendant No.7, subject to proof being tendered of

payment of costs to the Plaintiffs. Notice of Motion is disposed of.

3 Place the Suit for framing of issues on 1 November 2018.

(S.C. GUPTE, J.)