

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

**APPEAL (L) NO. 378 OF 2017
IN
NOTICE OF MOTION (SUITS) NO. 1189 OF 2014
WITH
NOTICE OF MOTION (L) NO. 2037 OF 2017
IN
APPEAL (L) NO. 378 OF 2017**

Mahendra Manguram Gupta and another Appellants

Vs.

Rajdai Mandlal Shaw and 7 others Respondents

Mr. Saurabh Railkar for the appellants.
Mr. V. Y. Sanglikar for respondent no. 1.

**CORAM : NARESH H. PATIL AND
NITIN W. SAMBRE, JJ.**

DATE : JANUARY 15, 2018.

P.C.

Heard. Perused the order of the learned Single Judge.

2 The learned counsel for the appellant submits that though the motion was filed in 2013 it was circulated in the month of August 2017 without giving a specific notice to the appellant. The counsel submits that there was no deliberate act on the part of the appellant. If appropriate notice was issued, the appellant would have appeared in the matter.

3 The learned counsel for the respondent submits that once appellant had

entered his appearance in the matter, he must be aware of the next dates in the matter and no separate notice is required.

4 At this stage, the counsel for the appellant seeks leave to approach the learned Single Judge for taking appropriate proceedings in accordance with law, within 2 weeks.

5 Leave is granted. Appeal stands disposed of.

6 For a period of 2 weeks, respondent shall not circulate fresh notice of motion for orders.

7 In view of the disposal of the appeal, notice of motion (L) no. 2037 of 2017 stands disposed of accordingly.

[NITIN W. SAMBRE, J.]

[NARESH H. PATIL, J.]