

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 2322 OF 2018
IN
SUIT NO. 897 OF 2008

Rajendra Shashikant Patkar & Anr. Applicants

IN THE MATTER BETWEEN

Rajendra Shashikant Patkar & Ors. Plaintiffs

VERSUS

Mrs. Gene Shashikant Patkar & Ors. Respondents

Mr.Kapil Shetye for the Applicants.

Mr.Shaishav Savla, i/b Mr.Bharat Joshi for the Respondent nos. 1 and 2.

CORAM : R.D. DHANUKA, J.

DATE : 10th DECEMBER, 2018

P.C.

By this notice of motion, the applicants prayed for recall of the order dated 20th August,2018 passed by this court insofar as Suit No.897 of 2008 is concerned. Heard learned counsel appearing for the parties and have perused the averments made in the affidavit in support of the notice of motion and also the affidavit in reply to the notice of motion.

2. It appears that the plaintiff nos.1 and 2 had applied for discharge of the advocate Shri A.M.Rajabally by filing Chamber Order No.902 of 2018. The said chamber order was pending. In the meanwhile the

matter appeared before this court on few occasions and ultimately came to be dismissed on 20th August,2018.

3. Though the reasons recorded in the affidavit in support of the notice of motion are not substantially acceptable, in the interest of justice and in view of the fact that the applicants have agreed to pay the reasonable amount of cost to the defendants, I am inclined to recall the order dated 20th August,2018 insofar as Suit No.897 of 2008 is concerned on the condition that the applicants pay a cost of Rs.15,000/- to the defendants in one set within two weeks from today. A copy of the proof of the payment of cost shall be produced before the Associate of this court by the applicants' advocate.

4. It is made clear that if the cost awarded by this court is not paid within the time prescribed, the order passed by this court to stand vacated without further reference to court and the notice of motion to stand dismissed.

[R.D. DHANUKA, J.]