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

**NOTICE OF MOTION NO.2052 OF 2017
IN
SUIT NO.249 OF 2016**

Ravindra Harshad Parmar ...Plaintiff

VS

Dimple Ravindra Parmar And Anr. ...Defendants

.....

Mr. Sharique Nachan, i/b. Judicare Law Associates, for the Plaintiff.

Mr. Nikhil Chavan, for Defendant No.1.

.....

CORAM : S.C. GUPTE, J.

DATED : 19 APRIL, 2018

P.C. :

. This notice of motion seeks recall of an order of the Prothonotary and Senior Master of dismissal of the suit as against Defendant No.2 for non-service of writ of summons. It is submitted by learned Counsel for the Plaintiff that the writ of summons was sought to be served but there was no report of such service when the matter appeared before the Prothonotary. Learned Counsel submits that even as of date, there is no report of service. It is submitted that, in the premises, the Plaintiff will make one more attempt of service. In the premises, the order dismissing the suit as against Defendant No.2 is recalled and set aside and the suit is restored to file as against Defendant No.2. The Plaintiff may have a fresh writ of summons issued against Defendant No.2 with returnable date to be communicated as 18 June 2018 and serve the same on Defendant No.2. Stand over to 22 June 2018 for directions. The notice of motion is disposed of.

(S.C. GUPTE, J.)