

Atul

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 18 OF 2018
IN
NOTICE NO. 2350 OF 2015
IN
EXECUTION APPLICATION NO. 2770 OF 015
IN
SUMMARY SUIT NO. 2198 OF 2004

Kunal Sushil Motishaw

...Applicant

Versus

Monica Mahesh Patel

...Respondent

Ms Bhagyashri Mangale, i/b Ujwala Sawant, for the Applicant.
Ms Jaishree Surati, i/b S Ashwinikumar & Co., for the Respondent.

CORAM: G.S. PATEL, J
DATED: 22nd January 2018

PC:-

1. This is a Notice of Motion to restore a Notice under Order XXI Rule 22 of the Code of Civil Procedure 1908. It was dismissed for non-prosecution on 6th November 2017. There is a delay of 23 days.

2. The application is most vigorously opposed. However, for the reasons set out in the Affidavit in Support, the Notice of Motion is allowed as a final opportunity. Copy of the notice is to be served on the Respondent/Judgment Debtor within one week from today, if not already done.

3. I am making it clear that if the Decree holder or his Advocate is absent on the next occasion, I will dismiss the Notice with costs and will not restore it under any circumstances thereafter.

(G. S. PATEL, J)