

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

**NOTICE OF MOTION NO. 2167 OF 2015
IN
SUIT NO. 2652 OF 2000**

Shri Santosh Deoraj Mishra	...Plaintiff
Vs.	
Alps Industries Ltd.	...Defendant/Applicant

Mr.R.S. Upadhyay for Plaintiff.
Mr.Suvaaankoor Das I/b. Krishnamurthy & Co. for Defendant.

CORAM : S.C. GUPTE, J.

DATE : 18 APRIL 2018

P.C. :

This notice of motion seeks recall of an exparte decree passed in the present suit. There is a delay in taking out the present notice of motion. Originally, the decree was passed on 29 June 2012. An intimation of this decree was given by the Plaintiff's Advocate to the Defendant on 1 October 2012. Thereafter, a notice of motion was taken out by the Applicant (original Defendant) for setting aside this exparte decree. That notice of motion (Notice of Motion No.114/2013) was withdrawn on 29 October 2015 with liberty to take out fresh notice of motion. The present notice of motion has been taken out in pursuance of that liberty. For the reasons stated in the affidavit in support of the notice of motion, the delay is condoned and the exparte decree dated 29 June 2012 is recalled and set aside. The Defendant shall file its written statement within four weeks from today. Place the suit for directions on 8 June 2018. The notice of motion is disposed of.

(S.C. GUPTE, J.)