

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION (ST) NO. 2799 OF 2019
IN
FIRST APPEAL NO. 1571 OF 2010

Simplex Project Ltd .. Applicant

Versus

M/s. Jyoti Structures Ltd & Ors. .. Respondents

-
- Mr. Shrey Sinha a/w Mr. Ranjit Basu for the Applicant
 - None present for the Respondents
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CORAM : AKIL KURESHI &
S.J. KATHAWALLA, JJ.

DATE : JULY 19, 2019.

P.C.:

1. On 5.7.2019, this Court passed the following order:-

"1. This Civil Application is filed by the respondent in the First Appeal, who is the plaintiff, seeking withdrawal of an amount of Rs.1,10,42,200/- deposited by the Judgment Debtor pursuant to the order of this Court. The Counsel for the applicant pointed out that the First Appeal came to be dismissed for want of prosecution on 19.11.2018. Since then, no attempt has been made to have the Appeal restored.

2. Before passing any further order, we would like to give an opportunity to the opponent No.1, the Judgement Debtor. Let there be fresh notice to the opponents herein, returnable on **19.7.2019**. The notice to respondent No.1 shall be served by the applicant by

hand delivery at the registered office of the company. The Counsel for the applicant to file an affidavit of service on or before the returnable date.

3. S.O. to 19.7.2019."

2. The affidavit of service filed by the applicant is taken on record. Despite service, respondent No. 1 has today failed to appear before the Court.

3. For the reasons set out in the application, the same is allowed in terms of prayer clause (a). As far as prayer clause (b) is concerned, the applicant shall take out appropriate proceedings in respect thereof.

4. Civil Application is accordingly disposed of.

[S.J. KATHAWALLA, J.]

[AKIL KURESHI, J]