

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

**NOTICE OF MOTION NO. 97 OF 2017
IN
SUIT NO. 235 OF 2014**

Tricklers Recreation Pvt. Ltd., ... Applicant.

In the matter between :

Planet M. Retail Limited ... Plaintiff.
V/s.

Life Insurance Corporation & Anr. ... Defendants.

Mr. P. J. Thorat, Advocate for the Plaintiff.
None for the Applicant/Defendant.

**CORAM : B. P. COLABAWALLA, J.
DATE : JUNE 07, 2019.**

PC :

1 None appears on behalf of Defendant No. 2/ Applicant.

2 This Notice of Motion has been filed by Defendant No.2, seeking to recall, cancel and set aside the order dated 16.11.2015, passed by this court in the present Suit. By the said order, it has been recorded that the Director of Defendant No. 2 seeks time to file the writ statement of Defendant No. 2 and in view thereof, Defendant

No. 2 was granted time to file written statement on or before 14.12.2015.

3 I do not see any impediment in the order passed on 16.11.2015. The second Defendant appeared before the court and sought time to file its written statement. Further, though the Suit was originally dismissed by the Prothonotary and Senior Master of this Court on 10.12.2014, the same was duly restored on 09.03.2015. I, therefore, find that the ground on which the order dated 16.11.2015 is sought to be set aside and/ or recall, is of no substance.

4 Notice of Motion is accordingly dismissed.

(B. P. COLABAWALLA, J.)

.....