

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

**NOTICE OF MOTION NO. 330 OF 2018**

**IN**

**COMMERCIAL SUIT NO. 69 OF 2012**

Vini Realities Pvt. Ltd.

....Plaintiff

V/s.

Satish Raghvendra Wagh and ors.

....Defendants

Mr. Abhijit Singh i/b. Anil Mishra for the plaintiff.

Mr. Sawant for defendant no.1.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.**

**DATED : 19<sup>th</sup> MARCH, 2019.**

**P.C.:**

. The legal representatives of the deceased defendant no.1 have filed this Notice of Motion to recall the order dated 03/04/2017 under which the suit against defendant no.1 was transferred to the list of Undefended Suits.

2. The records reveal that the defendant no.1 had expired on 30/09/2016 i.e. much prior to the order dated 03/04/2017. Since the legal representatives of the deceased defendant no.1 were not brought on record as on the 03/04/2017, the suit could not have been transferred to the list of Undefended Suits. Hence, the Notice of Motion is allowed in terms of prayer clause (a). The applicants who are brought on record as legal representatives of deceased defendant no.1 are permitted to file their written statement within four weeks from the date of service of amended copy of the plaint.

3. Notice of Motion stands disposed of accordingly.

**(SMT. ANUJA PRABHUDESSAI, J.)**