

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

SUIT NO. 3835 OF 1999

Rajpatprasad Sitaram Arkh	...	Applicant/Plaintiff
Versus		
Cholamandalam Investments & Finance Co. Ltd.	...	Defendant

**WITH
NOTICE OF MOTION NO. 714 OF 2019
IN
NOTICE OF MOTION NO. 808 OF 2014
IN
SUIT NO. 3835 OF 1999**

Rajpatprasad Sitaram Arkh	...	Applicant
 In the matter of		
Rajpatprasad Sitaram Arkh	...	Plaintiff
Versus		
M/s. Cholamandalam Investments & Finance Co. Ltd.	...	Defendant
And		
M.A. Alagappan & Ors.	...	Respondents

Mr. R.S. Arkh, Plaintiff in person, present.
Mr. V.A Mannadiar i/b Mannadiar & Co. for the Respondents/Defendant.

CORAM : R.I. CHAGLA, J.

DATED : 25th JUNE, 2019.

P.C. :

1 The Applicant has taken out the present Notice of Motion seeking restoration of Notice of Motion No.808 of 2014 and Notice of Motion No.17 of 2015 in Suit No.3835 of 1999 which was dismissed for want of prosecution on 22.09.2015. He has stated in his affidavit in

support of the Notice of Motion that the Applicant was suffering from eye ailment as well as decreasing eye sight and having heart problems and for which he was taking medicines and also had liver ailments. His wife was also unwell and was bedridden and required help from the Applicant. He has submitted that it was due to his ill-health that he was unable to pursue the matter and accordingly the Notice of Motion was dismissed.

2 Since the Applicant is appearing in person and he has made out sufficient cause of ill-health and suffering from depression in the affidavit by virtue of which he was unable to pursue the Notice of Motion which was dismissed by this Court, an opportunity be given to him to pursue the Notice of Motion by restoring the Notice of Motion No.808 of 2014 and Notice of Motion No.17 of 2015 in the present Suit.

3 Accordingly, the Notice of Motion is made absolute by condoning the delay in prayer clause (a) and by restoring the Notices of Motion in terms of prayer clause (b).

4 Notice of Motion No.714 of 2019 is accordingly disposed of.

5 Notices of Motion shall be placed for hearing on 24.07.2019.

(R.I. CHAGLA, J.)