

SAS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1258 OF 2019

IN

SUIT NO.4261 OF 1993

M/s. Bharat Chemical Works

..Plaintiff.

V/s.

M/s. Rajesh Construction (Bombay) & Ors. ..Defendants.

Mr.Ganesh Ambekar i/b. M/s. Thakore Jariwala & Associate for the plaintiff.

None for defendants.

CORAM : N.J.JAMADAR, J.

DATE : DECEMBER 17, 2019

P.C. :-

Heard learned counsel for the plaintiff.

2. The suit came to be dismissed on June 10, 2015 for want of prosecution.

3. The plaintiff has filed affidavit of service on November 20, 2019 to the effect that notices issued to defendant Nos.5 to 10, 15, 31 45, 46, 48, 50 to 52, 54 to 57, 62, 63 and 66 have been returned unserved. Plaintiff has filed affidavit of service dated November 21, 2019 to the effect that the notices issued to defendant Nos.67,73,74,75,78,79,81 to 83, 84, 86, 87 89, 93, 94, 96 to 97 have been returned

unserved.

4. Plaintiff has also filed affidavit of service dated November 19, 2019 to the effect that defendant Nos.2 to 4, 11 to 14, 25, to 30, 33 to 36, 42,47,49,58 to 61, 64, 65,68,70 to 72,76,77,80,85,88,91 and 98 have been served.

5. None appears for the defendants, who have been served.

6. On perusal of the affidavit in support of the Notice of Motion, a sufficient cause for non appearance of the plaintiff on the date when the suit came to be dismissed for want of prosecution, is made out.

7. The order of dismissal of the suit for want of prosecution passed on June 10, 2015 is thus set aside.

8. The suit is restored to the file.

9. The plaintiff shall serve afresh writ of summons to the defendants.

10. The Notice of Motion stands disposed of accordingly.

11. Stand over as per CMIS date.

(N.J. JAMADAR, J.)