

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION No. 1322 of 2016

IN

SUIT No.204/2014

Dinesh Shah & Anr

..Applicant.

In the matter between :-

M/s Omkar Realtors & Developers Pvt. Ltd. ..Plaintiff.

Dinesh Shah & Ors

..Defendants.

Mr. Shakeeb Shaikh a/with Ms Asha Nair & Ms. Ketaki Pulli I/by
Diamondwala & Co. for the Plaintiff.

Mr. Chirag Shah I/by Mr. Jitendra J. Shah for Defendant No.11.
None for Defendant Nos. 1 and 4/Applicants to NMS/1322/2016.

CORAM : B. P. COLABAWALLA, J.

DATED :- 24th June, 2019.

P.C. :-

1. This Notice of Motion is filed by defendant Nos. 1 and 4 seeking to set aside an order passed by the learned Prothonotary and Senior Master of this Court, transferring the suit qua them to the list of undefended suit. When this Notice of Motion had come up before this Court on 26th April, 2019, none had appeared on behalf of

defendant Nos. 1 and 4 and a statement was also recorded on behalf of the plaintiffs that a copy of this Notice of Motion is not served upon them. In these circumstances, by way of an indulgence and final opportunity the matter was stood over to 17th June, 2019. Since matter did not reach on that day, the matter was stood over to today.

2. Even today none appears on behalf of defendant Nos. 1 and 4. It appears that they are not interested in prosecuting this Notice of Motion. In these circumstances, Notice of Motion No. 1322 of 2016 is dismissed for want of prosecution.

(B.P. COLABAWALLA, J.)