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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION No. 1176 of 2014

IN

SUIT No.458 of 2013.

Sunil Bhagat

..Applicant.

In the matter between:-

Kavita Bhagat

..Plaintiff.

Vs

Sunil Bhagat & Anr

..Defendants.

None for the Applicant/Defendant No.1.

None for the Plaintiff.

CORAM : B. P. COLABAWALLA, J.

DATED :- 26th June, 2019.

P.C. :-

1. This Notice of Motion has been filed by defendant No.1 for setting aside the *ex parte* order dated 6th February, 2014 passed in Notice of Motion No.1301 of 2013 in Suit No. 458 of 2013. When this Notice of Motion had come up before this Court on 18th April, 2019 none had appeared on behalf of the applicant (defendant No.1). In these circumstances, the matter was stood over to 2nd May, 2019. Even on 2nd May, 2019, none had remained present. In these

circumstances, the matter was stood over to 17th June, 2019. Though the matter was not listed on that day, the same was listed before this Court on 24th June, 2019. Even on the last date, namely, 24th June, 2019 none appeared on behalf of the applicant (defendant No.1).

2. It is in these circumstances that the Notice of Motion was listed today under the caption for dismissal. When this motion was called out today, again none appears on behalf of defendant No.1/ applicant). It appears that the applicant/defendant No.1 is not interested in prosecuting this Notice of Motion. It is accordingly dismissed for want of prosecution.

(B.P. COLABAWALLA, J.)