

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

SUIT NO. 369 OF 2010

Anna Mary Sebastian Rodrigues	.. Plaintiff
Vs.	
The Brihanmumbai Mahanagar Palika & Ors.	.. Defendants

**ALONG WITH
CHAMBER ORDER NO. 304 OF 2015
WITH
NOTICE OF MOTION NO. 774 OF 2015
WITH
NOTICE OF MOTION NO. 769 OF 2015
IN
SUIT NO. 369 OF 2010**

Ms. Fatema Tankiwala i/b L J Law for plaintiff.

Mr. Sagar Patil for defendant No.1-MCGM.

CORAM : N.J. JAMADAR, J.

DATE : 5TH NOVEMBER 2019

P.C.

NOTICE OF MOTION NO. 769 OF 2015

- 1.** Though the notice of motion is not listed today, with the consent of the learned counsel for the parties, taken up for hearing.
- 2.** Heard the learned counsel for the parties.
- 3.** This notice of motion is taken out by the applicant to set aside the order dated 21st November 2014 passed by this Court in Chamber Summons No. 915 of 2013, whereby the said chamber summons and Notice of Motion No. 455 of 2010 were dismissed for default in appearance of the applicant. In the affidavit in support of the notice of

motion, it is averred that one Mr. Shridhar Kadam was appointed as an attorney to attend to the proceedings before this Court. The counsels, who were then representing the applicant, had returned the papers and the proceedings to the said Shridhar Kadam. However, the latter did not bring the said fact to the notice of the applicant and therefore there was default in appearance.

4. Having regard to the reasons assigned in the affidavit in support, and in order to advance the cause of justice, the notice of motion deserves to be allowed, and, accordingly, the same is allowed in terms of prayer clauses (a) and (b).

5. Chamber Summons No. 915 of 2013 thus stands restored to file.

6. Chamber Summons No. 915 of 2013 be listed on 26th November 2019.

[N.J. JAMADAR, J.]