

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

NOTICE OF MOTION NO.1982 OF 2019

IN

NOTICE OF MOTION NO.269 OF 2018

IN

COMMERCIAL SUIT NO.183 OF 2018

M/s.Pan Club Hotels Pvt. Ltd.)....Applicant/plaintiff

V/s.

Aboobarke Kitabulla Khan & Ors.)....Defendants

Mr.Siddharth Samantaray i/by Ms.Sweta Valecha for
applicant/plaintiff.

Mr.A.S.Khandeparkar i/by Prerak Sharma for defendants.

CORAM : K.R.SHRIRAM,J

DATE : 20.8.2019

P.C.:-

1. This is an application for recalling the order dated 5.7.2019 dismissing the Notice of Motion No.269 of 2018 and to restore status-quo order passed on 19.3.2019. No affidavit-in-reply has been filed. Mr.Khandeparkar for defendants states that on 13.7.2019 since the Notice of Motion came to be dismissed, defendants have entered into an agreement with My Preferred Transformation & Hospitality Pvt. Ltd., (OYO rooms).

2. Mr.Khandeparkar submits that the Court may restore the Notice of Motion and also restore the status-quo order subject to this information being brought to the notice of the Court i.e., agreement dated 13.7.2019 has been entered into.

3. Mr.Samantaray states that plaintiff has already filed a contempt petition against defendants and these points can be considered in the contempt petition.

4. Keeping open all rights and contentions of parties to be raised in the contempt petition, Notice of Motion is allowed in terms of prayer clause-(a) which reads as under :-

“(a) That this Hon’ble Court be pleased to recall and set aside the order dated 05th July 2019 dismissing the captioned Notice of Motion no.269 of 2018 for default of appearance and restore status quo Order passed on 19th March 2019 by this Hon’ble Court on such terms as this Honorable court may deem fit and proper.”

(K.R.SHRIRAM,J)