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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.**

NOTICE OF MOTION NO. 1226 OF 2015
IN
SUIT NO. 1877 OF 2012

M/s. Hersha Hotels Pvt. Ltd. .. Plaintiff
V/s
Smt. Samina Aarif Khan
@ Mrs. Dhanlakshmi Chandu
Devrukhkar and Ors. .. Defendants

.....

Mr. K.H. Giri and Geeta Tripathi for the Plaintiff.
Ms. Karishma Rao I/b Mr. Rahul Kamerkar for
Defendant no.5.
Mr. S. Nagvadaria, I/b Mehta and Co.for Defendant
Nos. 6 to 8.

.....

**CORAM : B. P. COLABAWALLA, J.
JUNE 10, 2019.**

P.C. :

1. This Notice of Motion is filed to set aside exparte Order of dismissal of the Suit dated 11th June 2015 and to register the same to the file of this Court for hearing on merits.

2. It transpires that there is a delay of 19 days in filing the present Notice of Motion. This Notice of Motion is vehemently opposed by advocates appearing on behalf of Defendant No. 5 on the ground that they have not been served with the suit itself. The

learned Advocate appearing on behalf of Defendant Nos. 6 to 8 submits to the Order of the Court.

3. Considering that there is only 19 days delay, the Order dated 11th June 2015 passed by this Court, dismissing the above suit is hereby recalled and set aside and the suit is restored to file.

4. The Plaintiff's advocate is directed to serve a copy of plaint on the Advocate appearing for Defendant no. 5 within a period of one week from today, failing which plaintiff shall have to pay costs of Rs.25,000/- to the Legal Aid Fund by Demand Draft within a period of one week thereafter.

(B.P.COLABAWALLA, J.)