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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 39 OF 2019
IN
SUIT NO. 915 OF 1993

Walkeshwar Parab Coop Hsg Soc Ltd ...Plaintiff
Versus
Empire Investments Corporation & Ors ...Defendants

Mr Pradeep Thorat, *with Nishtha Sikroria, i/b Jay Bhatia, for the Applicant/Plaintiff.*

CORAM: G.S. PATEL, J
DATED: 11th February 2019

PC:-

1. Heard Mr Thorat for the Applicant/Plaintiff. The Notice of Motion seeks a recall of the order dated 27th September 2018 by which the Plaintiff's evidence was closed and the suit was listed for final hearing.
2. The Affidavit in Support says and Mr Thorat explains that the Evidence Affidavit and list of documents were already filed on 9th December 2016. Thereafter, the Plaint was amended to bring on record the heirs of the deceased Defendant No. 2. An Affidavit of Service was placed. On 22nd September 2017 the Plaintiff's

Advocate sought time to file a further Evidence Affidavit since Defendants Nos. 2A and 2B were added thereafter. Although that Additional Affidavit was kept ready, its filing was delayed. The matter then reached on 27th September 2018. The Plaintiff's Advocate was unable to attend the Court because he was suffering from vertigo. He requested a colleague to attend to the matter but obviously the person who appeared was not aware of these facts.

3. In these circumstances, the Notice of Motion is made absolute in terms of prayer clause (a).
4. List the suit for directions on 6th March 2019.

(G. S. PATEL, J)