

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 1 OF 2019
IN
NOTICE OF MOTION NO. 158 OF 2018
IN
SUIT NO. 1773 OF 1998

Chandrakant P. Mirani & ors.	...Applicants
In the matter between	
Chandrakant P. Mirani & ors.	...Plaintiffs
Versus	
Leo Joseph D'Mello and ors.	...Defendants

Mr. Chetan Yadav, i/b R. V. Co., for the Plaintiffs/Applicants.
Mr. Mani Thevar, i/b Mahesh Menon & co., for Defendant
nos.2,3,4(a), 4(b), 5 and 6.
Mr. Jaswant Patel, for Defendant no.8.

CORAM: N. J. JAMADAR, J.
DATED : 6th JANUARY, 2020

PC:-

1. Heard the learned Counsels for the parties.
2. This is an application to set aside the order passed by this Court on 2nd December, 2019, whereby the Notice of Motion No.158 of 2018 was dismissed for want of prosecution.
3. For the reasons assigned in the application and to advance the cause of justice, the interim application stands allowed.

4. The order dismissing Notice of Motion No.158 of 2018 for want of prosecution stands set aside. Notice of Motion No.158 of 2018 stands restored to file.
5. The interim application stands disposed of.
6. List Notice of Motion No.158 of 2018 alongwith Chamber Summons No.183 of 2019, for hearing on 28th January, 2020.
7. The plaintiffs – applicants shall also serve copies of the Notice of Motion and Chamber Summons on the parties, who have not yet been served, within one week.
8. The defendants, who desire to file an affidavit-in-reply in opposition to the Notice of Motion and Chamber Summons shall do so within two weeks thereafter.
9. It is hereby made clear that the parties shall not seek any adjournment on any count whatsoever.

[N. J. JAMADAR, J.]