

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

**SUIT NO. 1716 OF 1983
WITH
INTERIM APPLICATION NO. 1 OF 2019
AND
INTERIM APPLICATION NO. 2 OF 2019
IN
SUIT NO. 1716 OF 1983**

Shaikh Mohammaddin Chiraguddin ...Applicant

In the matter between :

Shaikh Mohammaddin Chiraguddin ...Plaintiff

Versus

1. Smt. Jenabai A. E. Porbunderwalla
(deleted since deceased)

1a) Mrs. Zarina Allaudin Marmali
& ors.

...Defendants

Mr.Sandip Parekh a/w. Mr. Dinesh Jain for plaintiff.

None for defendants.

CORAM : N.J. JAMADAR, J.

DATE : 8th JANUARY 2020

P.C.

INTERIM APPLICATION NO. 2 OF 2019

1. Heard the learned counsels for the parties.
2. The interim application No. 1 of 2019 was dismissed by this Court as none appeared for the applicant when the said interim application was listed, on 28th November 2019.
3. This Court had noted that the interim application came to be filed when the suit was posted for final hearing with a prayer to reopen the trial. The learned counsel for the applicant submits that due to

misunderstanding, the counsel could not appear when the interim application No.1 of 2019 was listed before the Court.

4. In the aforesaid circumstances, to advance the cause of justice, the order dated 28th November 2019 is recalled.

Interim Application No. 1 of 2019 is restored to file.

The defendant No.2A shall file an affidavit in reply to Interim Application no.1 of 2019, within a period of two weeks from today.

5. Suit No. 1716 of 1983 be listed along with Interim Application No.1 of 2019 on 29th January 2020.

6. Interim application No. 2 of 2019 stands disposed of.

[N.J. JAMADAR, J.]