

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

NOTICE OF MOTION NO. 2515 OF 2008

IN

SUIT NO. 1944 OF 2008

Dhimant Balabhai Desai

...Plaintiff

vs.

Makrand Balabhai Desai & Ors.

...Defendants

Mr.Ravi D. Talreja with Lajri Panchal i/b. Sunil R. Rawal for
Plaintiff/Applicant.

Mr.Bhavin H. Gada with Vaishali Sharma i/b. Harakchand & Co. for
Defendant Nos.1 and 2.

CORAM : S.C. GUPTE, J.

DATE : 3 MAY 2021

PC. :

Learned Counsel for the Plaintiff as well as Defendant Nos.1 and 2 inform the court that this motion was already disposed of as withdrawn on 3 October 2013. The withdrawal order was passed by the City Civil Court at Bombay, to which the suit was transferred on account of enhancement of its pecuniary jurisdiction.

2 When the matter was argued last before this court and when the motion was disposed of by passing the order on 30 March 2021, learned Counsel for the Applicant/Plaintiff, who alone was present for the hearing of the motion, could not point out this fact, since the instructing advocate was out of the country for the last two months and for want of proper instructions on his part to the arguing counsel.

3 Since it is, however, accepted by both contesting parties that

the motion was already disposed of as withdrawn on 3 October 2013, the order passed by this court on 30 March 2021 is recalled and set aside.

(S.C. GUPTE, J.)