

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

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**APPEAL NO. 586 OF 2019
IN
NOTICE OF MOTION NO. 1847 OF 2017**

Ramakant R. Chokhani

....Appellant

V/s.

The New India Assurance Co. Ltd.

...Respondent

Ms. Ashlesha Modak i/b Auris Legal for Appellant.

**CORAM : K.R. SHRIRAM &
RAJESH S. PATIL, JJ.
DATED : 2nd JANUARY 2023**

P.C. :

1. The suit came to be dismissed by an order dated 5th November 2003 passed by the Prothonotary and Senior Master of this court for non removal of office objections under Rule 986 of the High Court (O.S.) Rules. Against that order, a Notice of Motion for restoration was filed. Prayer clause – “a” in the Notice of Motion was to condone the delay of 13 years and 8 months and to set aside the order passed under Rule 986 of the High Court (O.S.) Rules. By the order impugned in this appeal, the learned single Judge dismissed the Notice of Motion by stating that the ground given in the affidavit in support was unconvincing.

2. We have also considered the affidavit in support with the assistance of the counsel. We see no reason to find any fault with the

conclusions arrived at by the learned single Judge. The affidavit in support is bereft of any particulars and reading the affidavit only shows how un-serious appellant was in pursuing the suit.

3. In the circumstances, appeal dismissed.

(RAJESH S. PATIL, J.)

(K.R. SHRIRAM, J.)