

Sayali Upasani

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

**SUIT NO-504 OF 2014
WITH
NOTICE OF MOTION NO-803 OF 2014
WITH
NOTICE OF MOTION NO-772 OF 2016
WITH
NOTICE OF MOTION NO-218 OF 2018
WITH
NOTICE OF MOTION NO-2258 OF 2018
WITH
NOTICE OF MOTION NO-772 OF 2016**

Mukund Gopal Pai ...Plaintiff
Vs.
Vasant Gopal Pai And Ors ...Defendants

Mr. Deepak Chitnis with R. Ghoshia i/b Deepak Chitnis-
Chiparika & Co., for Plaintiff.

Ms. Neelima Sanglikar, for Defendant Nos. 1,3,5,6 and 10.

CORAM:- N. J. JAMADAR, J.

DATED:- 24th JANUARY,

2023

PC:-

NOTICE OF MOTION NO-218 OF 2018

- 1)** Heard the learned Counsel for the parties.
- 2)** Perused the order passed by the Prothonotary and Senior
Master, dated 21st August, 2017, dismissing the suit against

defendant Nos. 2 and 7 for failure to take steps to serve the defendant Nos. 2 and 7 and non-compliance of Rule 87 of the Bombay High Court (Original Side) Rules 1980.

- 3)** In the affidavit in support of the Notice of Motion, the applicant-original plaintiff has ascribed justifiable reasons. Hence, to advance the cause of substantive cause, the Notice of Motion is made absolute in terms of prayer Clause “a” to “c”.
- 4)** The order dated 21st August, 2017, stands set aside.
- 5)** The plaintiff shall take steps to serve the writ of summons on defendant Nos. 2 and 7 within a period of four weeks.

NOTICE OF MOTION NO-803 OF 2014

- 1) This Notice of Motion is taken out to pass the preliminary decree. An affidavit-in-reply seems to have been filed on behalf of the defendant No. 1.
- 2) The rests of the defendants may file an affidavit-in-reply, if desired to, within a period of four weeks and serve copy on the applicant.

NOTICE OF MOTION NO-2258 OF 2018

- 1) The pleadings in this Notice of Motion seem to be

completed.

- 2) Post the Notice of Motion for hearing.

NOTICE OF MOTION NO-772 OF 2016

- 1) This Notice of Motion is taken out to expedite the hearing of Notice of Motion No. 803 of 2014 and Suit No.504 of 2014, since the plaintiff and defendants are senior citizens.
- 2) In Notice of Motion No. 218 of 2018, the order of dismissal of the suit for want of steps to serve the defendant Nos. 2 and 7 is set aside.
- 3) The plaintiff is directed to take steps to serve the defendant Nos. 2 and 7.
- 4) In the Notice of Motion No. 803 of 2014 also, the defendants have been granted time to file an affidavit-in-reply, by way of final indulgence.
- 5) Hence, this Notice of Motion stands disposed with directions that the suit and the Motion be heard by giving priority in senior citizens category.
- 6) Stand over to 21st February, 2023.

[N. J. JAMADAR, J.]