

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 1051 OF 2026
IN
SUIT NO. 69 OF 2015

Kanayo Khubchand Motwani. ...Applicant.

In the matter of

Kanayo Khubchand Motwani & Ors. ...Plaintiffs.

Versus

Mohana Kishanchand Thakur & ors. ...Defendants.

Mr. Vaibhav Charalwar, Mr. Sudarshan Satalkar, i/b. Federal & Co., Advocate for Applicant.

Mr. Husrav Sukhia i/b. M Mulla Associates, Advocate for Defendant Nos. 10 & 11.

Mr. Girish Utangale a/w. Mr. Sarthak Utangale i/b. Utangale & Co., Advocate for Defendant No. 16.

Ms. Gauri Joshi i/b. Ganesh & Co., Advocate for Defendant no. 19.

CORAM : ARIF S. DOCTOR, J.

DATE : 17th MARCH 2026

P.C.

1 By this Application, the Applicant seeks restoration of the Suit which came to be dismissed for default.

2. The Respondents are served. A fair stand has been taken by the Respondents in the present matter who do not wish to file reply affidavit to oppose having due regard to the avernments made in the Interim Application by which sufficient cause has been shown i.e. plaintiffs' failure to appear before

the Court on 26th November, 2025.

3. Therefore, in my view, substantive purpose would be served if the suit is restored and heard on merits. Delay in filing Interim Application is also condoned for the reasons set out in the Application.

4. Hence, the Interim Application is allowed in terms of prayer clauses (a) and (b).

[ARIF S. DOCTOR, J.]