



1 1 comss 583-17 with ia 756-19 in comss 583-17 with nmcd 1039-18 in comss 583-17-os.doc

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

**COMMERCIAL SUMMARY SUIT NO.583 OF 2017
WITH
INTERIM APPLICATION NO.756 OF 2019
IN
COMMERCIAL SUMMARY SUIT NO.583 OF 2017
WITH
NOTICE OF MOTION NO.1039 OF 2018
IN
COMMERCIAL SUMMARY SUIT NO.583 OF 2017**

Nilesh Mulji Dodhia and ors. ... Plaintiffs
Vs.
Welvan Securities Private Limited ... Defendant

None for the Plaintiffs.
Mr. Ashok Dhanuka with Ms. Dipsy Sequeira, Advocates for the Defendant.

**CORAM : ABHAY AHUJA, J.
DATE : 26 FEBRUARY, 2024.**

PC. :

1. This matter has been listed under the caption "For Dismissal".
2. None has been appearing for the Plaintiffs for quite some time.
3. On 29th January, 2024, the following order was passed :-

“1. On 8th January , 2024 the following order was passed:-

“1. When the matter is called out, Mr.Dhanuka, learned Advocate appears for the Defendants and submits that although the Summons for Judgment has been disposed granting unconditional leave to the Defendants and the Defendants have filed Written Statement, an Interim Application under Order VII Rule 11 of the Code of Civil Procedure, 1908, is still pending. Learned Advocate submits that the Interim Application on board is not with him. A perusal of the Court record also indicates that the said Interim Application is not part of the record. Registry to verify and place the Interim Application on board.

2. It is observed that there is one Interim Application filed for amendment of the plaint which appears to have been lodged after the date of disposal of the Summons for Judgment.

3. Let all the Interim Applications be listed together on 29th January, 2024.

4. Let the learned Advocate for the Defendant intimate the Advocate for the Plaintiff of the next date.”

2. Mr. Dhanuka, learned Advocate appeared for the Defendant and submits that on the last occasion also none appears for the Plaintiffs. Learned Advocate also submits that pursuant to order dated 8th January, 2024, the learned Advocate for the Plaintiff has been intimated, however, still none appears for the Plaintiffs today and the matter be kept for dismissal.

3. Accordingly, list for dismissal on 26th February, 2024.

4. Let the learned Advocate for the Defendant inform the learned Advocate for the Plaintiffs of this order and the next date.”

3 1 comss 583-17 with ia 756-19 in comss 583-17 with nmcd 1039-18 in comss 583-17-os.doc

4. Mr. Dhanuka, learned counsel appears for the Defendant and submits that as directed by this Court, notice of the order dated 29th January, 2024 has already been given to the Advocate for the Plaintiffs and the Plaintiffs as well, however, none appears for the Plaintiffs.

5. Accordingly, the suit is dismissed. Pending Interim Application and Notice of Motion accordingly to stand dismissed.

(ABHAY AHUJA, J.)