

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

SUIT NO. 1304 OF 1986

Tirupati (Mahalaxmi) Co-operative
Housing Society Ltd. ... Plaintiffs

Vs.

M/s. Gowani Builders (Pvt.) Ltd.
& Ors. ... Defendants

Mr. D.V.Merchant with Mr. Pol i/b. N.Hormasjee & Co.
for the Plaintiffs.

Mr. S.S. Joshi i/b. S.K.Shroff & Co. for Defendant
No.1.

Ms. Mirashee i/b. Shah & Sanghvi for Defendant No.14.

CORAM: S.K.SHAH, J.

DATE : 4th August, 2005.

P.C.

1. The learned Counsel for the Defendant No.14 has filed the Written Statement. The copy is given to the other side. The learned Counsel for the Plaintiffs has no objection for taking the Written Statement on record subject to payment of costs.

2. The Written Statement filed by the Defendant No.14 shall be taken on record on payment of costs of

Rs.1,000/- (Rupees one thousand only) to the Plaintiffs.

3. The learned Counsel for the Plaintiffs submits that the Defednants Nos. 1, 2, 14, 17 and 27 have filed the Written Statement. He further submits that as regards the other defendants against whom the suit is undefended, there is no separate cause of action. Therefore, the suit will have to be proceeded with on the basis of the Written Statement filed by the aforesaid defednants. He requests for transferring the suit to the regular Court. Suit be transferred to the regular Court.

(S.K.SHAH, J.)