

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

SUIT NO. 189 OF 2008

Gold Coin Builders	...	Plaintiff
Versus		
Zarna Vinay Shah & Ors.	...	Defendants

**WITH
COUNTER CLAIM (L) NO. 12 OF 2019
IN
SUIT NO. 189 OF 2008**

Mr. Nikhil Ratti Kapoor i/b Vishal S. Shriyan for the Plaintiff.
Mr. Shilpan Gaonkar i/b Bhagwati & Co. for the Defendants.

CORAM : R.I. CHAGLA, J.

DATED : 3rd OCTOBER, 2019.

P.C. :

- 1 Not on board. Taken on board.
- 2 The learned Counsel for the Plaintiff has sought an extension of time to file the evidence affidavit of its first witness along with compilation of documents (affidavit of documents having already been filed) duly indexed and paginated. This was to be filed as per the order

dated 26.03.2019 on or before 22.04.2019. It was clearly mentioned in the said order that there would be no extension of time. In default of compliance, the Suit would stand dismissed without further reference to the Court.

3 The learned Counsel for the Plaintiff states that due to the delay in the Defendants offering discovery and inspection, the evidence affidavit could not be filed on time. It has been clearly mentioned in the said order that the Plaintiff shall file the evidence affidavit on or before 22.04.2019 along with the compilation of documents and thereafter the parties should complete discovery of inspection and statements of admission and denial exchanged in the meantime. There has been a delay of nearly six months for filing of the evidence affidavit. The Plaintiff has just not complied with the said order.

4 Accordingly, the extension of time is granted for a period of two weeks for the Plaintiff to file its evidence affidavit of its first witness, along with compilation of documents subject to payment of cost of Rs.20,000/- which shall be payable to the Maharashtra State Legal Services Authority.

5 Accordingly, application is disposed of.

(R.I. CHAGLA, J.)