

PGK

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

Suit No.2643 of 1996

Stephen Pereira & ors. Plaintiffs
v/s.
Cyril Pereira & ors. Defendants

Mr.I.S. Mecwan for Plaintiffs.
Defendants & Advocates absent.

CORAM : SMT.ROSHAN DALVI, J.

DATED : 13th April, 2011

P.C. :

- 1.The suit is filed for administration of the estate of the deceased mother of the parties. The writ of summons has been served upon Defendant No.1 since 9th August 1996. No Written Statement is filed. An ex-parte decree is required to be passed against Defendant No.1.
- 2.The original Defendant No.2 has filed her Written Statement. Defendants 2A and 2B, who are the heirs and legal representatives, have adopted the said Written Statement. The Written Statement of Defendant No.2 admits and accepts the equal share of the Plaintiffs as well as Defendants in their mother s property. Hence there is no real issue which is required to be adjudicated between the Plaintiffs and Defendant Nos.2A

and 2B. The specific admission of Defendant No.2, which is adopted by Defendants 2A and 2B, is in paragraph 14 of her Written Statement which runs thus:

14. With reference to paragraph 19 of the plaint this defendant states that both the Plaintiffs and the defendants are the legal heirs of the deceased Stella Pereira and as such have an equal share in the said immovable property left by the said deceased.

Hence issues in the suit are not required to be framed.

3. Suit is adjourned to 6th June 2011 for ex-parte decree against Defendant No.1 and for ascertainment of the share of the parties against both the Defendants.
4. The Advocate for the Plaintiffs shall give a notice to the Defendants along with the copy of this order.

(SMT.ROSHAN DALVI, J.)