

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

SUIT NO.3407 OF 1995

Prithviraj H. Bajaj .. Plaintiff
v/s.
L.I.C. Of India and others .. Defendants

Mr. H. Toor i/by M/s. Crawford Bayley & Co. for the plaintiff.
Mr. O. Mohandas i/by M/s. Little & Co. for the defendant No.1.
Mr. Milind More for the defendant Nos.2 and 3.

CORAM : A.M. KHANWILKAR, J.
DATED : 23RD JULY, 2007

P.C.

This suit has been placed under caption "undefended suit" as against defendant Nos.3 and 4 in terms of order dated 19th July, 2001. As the said defendants have still not filed in written statement, the suit will have to proceed exparte against them.

2. In the fact situation of the present case, it is not possible to accept the plaintiff's claim as it is and to pass order exercising power under Order 8 Rule 10 of C.P.C. In my opinion, the suit will have to proceed as Long Cause Suit against defendant Nos.1 and 2 and appropriate order can be passed against defendant Nos.3 and 4 against whom suit to proceed exparte at the end of the trial.

3. Accordingly, this suit be placed before the appropriate Bench under

caption "Long Cause Suit" as per its turn. Counsel for the plaintiff submits that having regard to the peculiar facts of the present case, hearing of this suit is expedited. It will be open to the plaintiff to make that request to the concerned Bench in that behalf.

(A.M. KHANWILKAR, J.)