

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**ORDINARY ORIGINAL CIVIL JURISDICTION**  
**SUIT NO. 875 OF 2019**

Yashraj Mahendra Gala also known as  
Yash Mahendra Gala ... Plaintiff

Versus

Manisha Mahendra Gala and others ... Defendants

**WITH**  
**INTERIM APPLICATION (L) NO. 3898 OF 2024**  
**NOTICE OF MOTION NO. 21 OF 2020**  
**IN**  
**SUIT NO. 875 OF 2019**

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Mr. Aditya Pratap, Advocate for the Plaintiff.

Mr. Akash Gaonkar instructed by Ms. Sindhu Kotian, Advocate for Defendant No.1 and Applicant in NMS-21-2020.

Ms. Runali Samgiskar instructed by Law Charter, Advocate for the Defendant No.2.

Mr. Yash Sinha instructed by Mr. Tushar Goradia, Advocate for the Defendant No.3 and Applicant in IAL-3898-2024.

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CORAM : ABHAY AHUJA, J.  
DATE : 2 JANUARY 2025

**PC. :**

**Suit No. 875 of 2019 :**

1. Mr. Pratap, learned Counsel, appears for the Plaintiff and submits that although the Defendants No.1 and 2 have filed their Written Statements, this matter has been transferred to the list of undefended Suits as the Defendant No.3 has not filed the Written Statement in time.

2. Mr. Pratap, learned Counsel, also submits that by order dated 20<sup>th</sup> February 2020 in Interim Application No.1 of 2020 an additional Written Statement pursuant to the amendments were directed to be filed, but it does not appear that the said additional Written Statement had been filed.

**Interim Application (L) No. 3898 of 2024 :**

3. This Interim Application has been filed on behalf of the Defendant No.3 seeking setting aside of the order transferring the Suit to the list of undefended Suits.

4. Mr. Pratap, learned Counsel, appearing for the Plaintiff would submit that since there is being considerable delay, he is opposing the said Application and seeks some time to file reply.

5. Let the reply be filed within a period of three weeks and rejoinder in two weeks thereafter.

**Notice of Motion No. 21 of 2020 :**

6. Mr. Gaonkar, learned Counsel appears for the Applicant/ Defendant No.1 and submits that this Notice of Motion has been taken out under Order VII Rule 11 of the Code of Civil Procedure, 1908 for rejection of the Plaint. That reply has been filed. However, some time be granted to file rejoinder. Let rejoinder be filed by the next date.

7. Stand over to 13<sup>th</sup> February 2025.

(ABHAY AHUJA, J.)