

**Before: Shri D.V. Sawant  
Prothonotary & Senior Master.  
Date: 19<sup>th</sup> June, 2017**

**CALLED OUT FOR WRITTEN STATEMENT :**

40. COMS/38/2014 ) Mr. Ayush Agarwala, i/b. Khaitan & Co., Advocates  
with ) for the Plaintiffs.  
NMCD/13/2014 )  
COMS/38/2014 ) Mr. Hitesh A. Thorat, a/w. Ms. Pradnya Meshram,  
with ) i/b. Saeed Akhtar, Advocate for Defendant No. 1.  
NMCD/42/2015 )  
COMS/38/2014 ) Ms. Pinny Pathak, i/b. Ansari Mohd. Rehan,  
with ) Advocate for Defendant No. 3.  
NMSL/1000/2014 )  
S/354/2014 ) Mr. Arnab Ghosh, i/b. Callidein legal, Advocates for  
) Defendant No. 5.  
)  
) **P.C.:** Written Statement dated 01.06.2017 of  
) Defendant No. 3 is taken on file, subject to office  
) objections. The Ld. Advocate for Defendant No. 3  
) undertakes to remove office objections within 3  
) days from today. The undertaking is accepted. A  
) copy of Written Statement is served upon the  
) Plaintiffs. Suit against Defendant No. 3 is  
) transferred to the list of Commercial Causes, to be  
) heard by Commercial Division. Affidavit of  
) documents to be filed within 4 weeks. U.O.D.I.  
)  
) The Ld. Advocate for Defendant No. 1 submits that  
) Notice of Motion in which issue raised under 9A of  
) C.P.C., 1908 and also reference made under Section  
) 8 of the Arbitration and Conciliation Act, 1996 is  
) still pending. In view thereof, Defendant No. 1 to  
) file Written Statement within 4 weeks after  
) dismissal of Notice of Motion, failing Suit against  
) Defendant No. 1 will be transferred to the list of  
) Undefended Suits.  
)  
) The Ld. Advocate for the Plaintiffs submits that  
) service against Defendant No. 2 is still awaited. In  
) view thereof, Plaintiffs to make enquiries with the  
) concerned postal authorities through Sheriff of  
) Mumbai.  
)  
) It appears that Defendant No. 4 stands deleted.

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Contd...	)	On last occasion, when matter appeared on board,
40. COMS/38/2014	)	Advocate appeared for Defendant No. 5 undertook
with	)	to file Vakalatnama and Conditional Order was
NMCD/13/2014	)	passed, directing Defendant No. 5 to file Written
COMS/38/2014	)	Statement till today, failing Suit against Defendant
with	)	No. 5 will be transferred to the list of Undefended
NMCD/42/2015	)	Suits.
COMS/38/2014	)	
with	)	Despite that, the Ld. Advocate appearing for
NMSL/1000/2014	)	Defendant No. 5 again applies time to file
S/354/2014	)	Vakalatnama and Written Statement without any
	)	justification stating that no prayers are sought
	)	against Defendant No. 5, who is formal party.
	)	
	)	However, in the interest of justice, by way of last
	)	chance, time is granted to Defendant No. 5 to file
	)	Written Statement, subject to payment of cost of Rs.
	)	3,000/-, which is condition precedent, to be paid to
	)	the Maharashtra State Legal Services Authority
	)	within two weeks from today, failing Suit against
	)	Defendant No. 5 will be transferred to the list of
	)	Undefended Suits. If cost is paid, time is granted to
	)	Defendant No. 5 to file Written Statement till
	)	19.07.2017, failing Suit against Defendant No. 5
	)	will be transferred to the list of Undefended Suits.
	)	The Ld. Advocate appearing for Defendant No. 5
	)	again undertakes to file Vakalatnama within two
	)	weeks from today. The undertaking is accepted.

19-06-2017

**Prothonotary and Senior Master**