

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

**SUIT NO. 1450 OF 1999**

Mahendrakumar C. Sanghavi & Ors. .. Plaintiffs  
Vs.  
S.P. Builders & Ors. .. Defendants

Mr.Ganesh Ambekar i/b Thakore Jariwala & Associates for plaintiffs.

Mr.S.T. Manek i/b S.T. Manek & Co. for defendant no.3.

**CORAM : K.R.SHRIRAM, J.  
DATE : 18<sup>TH</sup> NOVEMBER, 2016**

**P.C.**

1 In the order dated 14<sup>th</sup> October 2016, in the cause-title the name of the defendants to be read as '*M/s. S.P. Builders and Ors*' instead of '*The Heera Panna Co-op. Hsg. Soc. Ltd & Ors.*'.

Rest of the order remains unaltered.

2 On 14<sup>th</sup> October 2016, Shri Ramesh J. Seth-Partner of defendant no.1, who was present in Court, informed the Court that defendant no.2 expired on 30<sup>th</sup> October 2014 and defendant no.2 was his father and he shall provide the details of the legal heirs of defendant no.2 to the plaintiff's Advocate within one week. He also stated that defendant no.1 wish to lead evidence and will file their evidence with compilation of documents and the list of witnesses within four weeks.

3 Today, nobody is present for defendant no.1 and the said Shri Ramesh J. Seth-Partner of defendant no.1 is also absent. Shri Ambekar, Advocate appearing for the plaintiffs states that they have not received any intimation about the legal heirs of defendant no.2 nor have they received any affidavit of evidence or compilation of documents or list of witnesses.

4 In the circumstances the evidence of defendant no.1 is closed. Shri Manek, counsel appearing for defendant no.3 states that defendant no.3 wishes to lead evidence.

5 Defendant no.3 to file their list of witnesses, affidavit in lieu of examination in chief of their first witness together with compilation of documents and serve a copy thereof upon the plaintiffs within four weeks from today.

6 The suit be listed on 13<sup>th</sup> January 2017 for marking of documents on which date the first witness of defendant no.3 shall remain present in Court.

**(K.R. SHRIRAM, J.)**