

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO. 1280 OF 2007

Ramesh Vajabhai Rabari ...Plaintiff
Versus
Betram Peter D Mello & Ors ...Defendants

Ms Gunjan Mangla, *i/b AM Udane, for the Plaintiff.*
Ms Nidhi Poriya, *i/b MS Bodhanwalal & Co, for Defendants Nos. 1 to 4.*
Ms Kajal Solanki, *with Mr Anish R, i/b Divya Shah for Defendants Nos. 5, 7 & 8.*
Mr S Gala, *i/b Prashant Ghelani, for Defendant No. 9.*

CORAM: G.S. PATEL, J
DATED: 15th February 2019

PC:-

1. Ms Mangla on behalf of the Plaintiff states that the necessary amendments have now been effected to the Plaint. There is also a retyped plaint that has been lodged in the Registry. Copies will be given to the Advocates for the Defendants in the course of the day.

2. By my order of 11th January 2019 allowing the amendment, I directed the issuance of fresh Writ of Summons on Defendants Nos. 10, 11 and 12 and listed the matter for directions thereafter. The Plaintiff will get a fresh Writ of Summons issued and the Registry will ensure that this is done by 1st March 2019. The Defendants

who are represented will have time till 29th March 2019 to file their Writ of Summons. Defendants Nos. 10, 11 and 12 will also have time till that date, i.e., 29th March 2019.

3. Defendants Nos. 10, 11 and 12 are all in Mumbai. Given the fact that this Chamber Summons has been moved in 2016 in a Suit of 2007 and was allowed only in January 2014, as an exceptional case, I will permit service of Writ of Summons by courier or hand delivery, presently dispensing with the requirement of service through the Sheriff's office since that procedure will only take further time and further delay in the matter. Service by this mode will be completed by 8th March 2019. I will require an Affidavit of Service by courier or hand delivery.

4. List the matter for framing issues on 5th April 2019.

(G. S. PATEL, J)