

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

**SUIT NO.1257 OF 2007
WITH
NOTICE OF MOTION NO.1018 OF 2016**

Girish Nautamlal JaniPlaintiff

V/s.

Rusi Furdoon Seervai & Ors.Defendants

Mr.Anuj Narula i/by Chetan B.Raithatha for plaintiff.
Ms.Deepti Panda i/by M/s.Dhru & Co. for defendant nos.4 & 5.
Mr.S.J.Khan for applicants in Chamber summons (Intervener)

CORAM : K.R.SHRIRAM,J

DATE : 11.4.2016

P.C.:-

1 The counsel for the plaintiff states that in the written statement filed on behalf of defendant no.1 there is an admission and therefore, he would be entitled to decree on admission against defendant no.1 instead of the court framing issues.

2 When the matter was listed on 4.4.2016, after a gap of almost 5 years, nobody appeared for the defendant no.1. Even today, nobody is present for the defendant no.1. Office to issue notice to defendant no.1 to remain present in person or through an Advocate on 2.5.2016, failing which suit will proceed ex-parte against defendant

no.1. Registry to give notice to defendant no.1 and also forward a copy of this order to the defendant no.1.

3 The counsel for the plaintiff further states that he does not wish to prosecute the suit against defendant nos.4 & 5 and they can be deleted from the array of defendants in the cause title. Accordingly, defendant nos.4 & 5 be deleted from the array of cause title. Plaintiff to correct the cause title accordingly within two weeks from today.

(K.R.SHRIRAM,J)