Before : Shri D.V. Sawant
Prothonotary & Senior Master
Date : 15th March, 2017

FOR WRITTEN STATEMNET :

24	S/624/2016 with NMS/1857/2016 S/624/2016 with CHS/1729/2016 S/624/2016	Ms. Nikita Bhansali i/b. Wadia Ghandy and Company, Advocate for Plaintiffs. Mr. R. S. Bidkar i/b. Hariani and Company, Advocate for Defendant Nos. 1, 5 and 9. Mr. Arvind Shrivastava i/b. Kalpesh Joshi Associates, Advocate for Defendant Nos. 2 and 10. Ms. Falguni Thakkar i/b. Doijode Associates, Advocate for Defendant Nos. 6 and 7. Mr. Sadanand Kamtam, Advocate for Defendant Nos. 11 and 12. Mr. Karan Thorat i/b. V. V. Thorat, Advocate for Defendant No. 13.

P.C. : When matter appeared on my board on 16.01.2017 Conditional Order was passed, directing Defendant Nos. 1, 2, 5 to 7, 9 and 10 to file written statement till today, failing Suit against aforesaid aforesaid Defendants will be transferred to the list of Undefended Suits. Today again Advocates for Defendant Nos. 1, 2, 5 to 7, 9 and 10 apply time to file written statement on the pretext that matter is being settled, for which Advocate for Plaintiffs is not agreeable and having objection for further adjournment since on last occasion Conditional Order was passed.

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However, in the interest of justice, time is granted to Defendant Nos. 1, 5 and 9 subject to payment of cost of Rs. 2,000/-, Defendant Nos. 6 and 7 subject to payment of cost of Rs. 2,000/- and Defendant Nos. 2 and 10 subject to payment of cost of Rs. 2,000/-, which is condition precedent to be paid to the Plaintiffs within two weeks from today, failing Suit against aforesaid Defendants will be transferred to the list of Undefended Suits. If cost is paid, time is granted to Defendant Nos. 1, 2, 5 to 7, 9 and 10 to file written statement till 19.06.2017, failing Suit against aforesaid Defendants will be transferred to the list of Undefended Suits.

Advocates for Defendant Nos. 11 to 13 apply time to file written statement. Time is granted to Defendant Nos. 11 to 13 to file written statement till 19.06.2017, failing Suit against Defendant Nos. 11 to 13 will be transferred to the list of Undefended Suits.

Advocate for Plaintiffs submits that Defendant Nos. 3 and 4 are served and undertakes to file Affidavit of Service on or before 19.06.2017. Undertaking is accepted. If not filed, Suit against Defendant Nos. 3 and 4 will be dismissed for non-compliance of O.S.Rule 87.

Advocate for Plaintiffs submits that as far as Defendant Nos. 8 and 14 are concerned, steps are taken to serve Defendant Nos. 8 and 14, however, service is awaited.

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Plaintiffs to make an enquiry with the concerned Postal Authority through Sheriff and file Affidavit of Service against Defendant Nos. 8 and 14 on or before 19.06.2017, failing Suit against Defendant Nos. 8 and 14 will be dismissed for non-compliance of O.S.Rule 87.

If not served, again time is granted to Plaintiffs to take steps to serve with Writ of Summons upon Defendant Nos. 8 and 14 till 19.06.2017, failing Suit against Defendant Nos. 8 and 14 will be dismissed for non-compliance of O.S. Rule 87. Office to issue fresh writ of summons, if required and list the matter on board one week well in advance. The returnable date is extended till 19.06.2017.

Date : 15.03.2017

Prothonotary & Senior Master.