

Sharayu Khot.

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

NOTICE OF MOTION NO. 722 OF 2018

IN

SUIT NO. 147 OF 2017

Mrs. Lourdes Veronica Baptista

**...Applicant/
Plaintiff**

Versus

M/s. Crescent Builders and Developers and Ors.

...Defendants

Mr. Rohaan Cama a/w Mr. Shanay Shah i/by Ms. Dione Baptista for the Plaintiff.

Mr. Mutahhar Khan i/by Shrayas Vyas for the Defendant Nos. 1 and 2.

Mr. Yash Tiwari i/by K.P. Tiwari & Co for the Respondents No. 3 to 5.

Mr. A.J. Almeida for the Defendant No. 7.

Mr. Shyam Kapadia a/w Ms. Arya Bile and Mr. Vivek Sharma i/by Solomon & Co. for the Defendant No. 8

Mr. Himanshu B. Takke, AGP for the Defendant No. 9-State of Maharashtra.

Ms. Yamuna Parekh for the Defendant No. 10-MCGM.

Mr. S. Shamim i/by S. Shamim for the Defendant Nos. 11 and 12.

Mrs. Rekha Rane, 2nd Asstt. to C.R. present.

CORAM : R.I. CHAGLA J

DATE : 26 September 2022

ORDER :

1. Mr. Rohaan Cama, learned Counsel for the Plaintiff has sought leave to file additional Affidavit in Reply in support of the Notice of Motion to bring subsequent facts on record.

2. He has referred to order passed by the Single Judge of this Court dated 26th June 2018, wherein it was reiterated that the statutory authorities including MCGM may carry out investigation and not discontinue the same on the ground that the matter is subjudiced. He has submitted that the MCGM has till date not placed the result of investigation before this Court.

3. In view thereof, the Plaintiff is directed to file additional Affidavit in support of the Notice of Motion which shall be filed within a period of two weeks from the date of this order.

4. The MCGM shall also file their Affidavit in Reply in the Notice of Motion as well as state whether investigation has in fact being carried out as directed by order dated 26th June 2018 and the result of investigation.

5. The newly joined Defendant No. 13 in the Notice of Motion is also permitted to file Affidavit in the Notice of Motion within a period of two weeks from the date of this order.

6. Liberty to the parties to apply for early hearing of the Notice of Motion.

[R.I. CHAGLA J.]