

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 & Ors. ... Defendants

Mr. Rohaan Cama a/w Mr. Shanay Shah for the Plaintiff.
Ms. Apurva Thipsay i/b Shreyas Vyas for Defendant Nos.1 and 2.
Mr. Aditya Ajgonkar a/w Shipraa Tanna i/b K.P. Tiwari & Company for
Defendant Nos.3 to 5.
Mr. Shyam Kapadia a/w Vivek Sharma i/b Solomon & Co. for Defendant
No.8.
Mr. Himanshu B. Takke, A.G.P for State of Maharashtra- Defendant No.9.
Ms. Pooja Yadav for M.C.G.M.
Mr. S. Shamim i/b S. Shamim & Co. for Defendant Nos.11 and 12.
Mr. Mohit Jadhav for the Applicant in IAL/28284/2022.
Mr. Savio Fernandes, Member of the Society, present.
Ms. R.V. Rane, 2nd Asstt. to C.R. present.

CORAM : R.I. CHAGLA, J.

DATED : 03rd OCTOBER, 2022.

ORDER :

1 The learned Counsel appearing for the Applicant/Plaintiff
states that the MCGM had been directed to file affidavit in reply to the

Notice of Motion as well as state whether investigation has in fact being carried out as directed by order dated 26.06.2018 and the result of investigation. Further time is being sought by the MCGM to file the affidavit.

2 By the separate order bearing the same date i.e. 26.09.2022 in the Notice of Motion No.1080 of 2019, it was recorded that the Plaintiff was directed to file additional affidavit in reply and which was to bring on record the subsequent events. This is to be filed as per order bearing same date passed in Notice of Motion No.722 of 2018 within a period of two weeks i.e from 26.09.2022. He has submitted that since the Notice of Motion No.1080 of 2019 is listed on 19.10.2022, high on board, Notice of Motion No.722 of 2018 also be listed on that day.

3 Accordingly, the MCGM shall file affidavit in reply in Notice of Motion No.722 of 2018 on or before 14.10.2022.

4 Notice of Motion No.722 of 2018 shall also be listed with Notice of Motion No.1080 of 2019 on 19.10.2022, high on board.

5 The Defendant No.8 is permitted to file affidavit in rejoinder to the affidavit in reply filed by the Plaintiff in Notice of Motion No.1080 of 2019 by 06.10.2022.

6 At this stage the learned Counsel appearing for Defendant Nos.1 and 2 has sought time to file affidavit in reply to the Notice of Motion.

7 Defendant Nos.1 and 2 shall file affidavit in reply within a period of one week from today i.e. on or before 10.10.2022.

8 The plaintiff is at liberty to file affidavit in rejoinder thereto within a period of one week thereafter i.e. on or before 17.10.2022.

(R.I. CHAGLA, J.)