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

SUIT NO.786 OF 1994

The United Church Board of World
Ministries and others

..Plaintiffs.

Versus

Municipal Corporation of Greater Bombay
and others

..Defendants.

Mr. Kiran Gandhi i/by M/s. Little & Co., for the Plaintiffs.

CORAM : G.S. Patel, J.

Monday, 17th February 2014.

P.C. :

1. This is a suit of 1994. Defendants No. 3(a) to 3(f) were brought on record as the heirs and legal representatives of original defendant No.3 some time in 1998. Apart from adding their names to the plaint, the plaintiffs have done absolutely nothing to serve them. The suit was listed for directions on 7th February 2014. Ten days later, no action has been taken yet. There is no formal application for condonation of delay. There is no application for issuance of a writ of summons. There is no explanation for this delay.

2. To my mind, there is absolutely no reason why the suit should not be dismissed immediately against defendants No.3(a) to 3(f). It is only because

learned advocate for the plaintiffs submits that his clients ought not to be prejudiced for an oversight on the part of their attorneys, that I am inclined to grant some small accommodation. However, even this must be on terms. Parties on either side of an action will have to realize that they cannot expect adjournments as a matter of right or as a matter of course, especially in old matters.

2. List the matter on 10th March 2014, subject to the plaintiffs or their advocates making payment of a sum of Rs.20,000/- as costs to the Maharashtra Legal Services Authority. This payment of costs shall be condition precedent. If effective steps have not been taken by that date, the suit will be dismissed as against defendants No. 3(a) to 3(f).

(G.S. Patel, J.)