

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

SUIT NO. 2571 OF 2008

M/S Gundecha Builders

... Plaintiff

vs.

Ajit Danmal Jain And Ors.

... Defendants

Mr. Gauraj Shah i/b Ms. Ashni Desai for the Plaintiff.

Mr. V. A. Joshi with Mr. Vir Patel i/b Chitnis Vaithy & Co. for the Defendant No. 11.

CORAM : ABHAY AHUJA, J.

DATE : 25th MARCH, 2026

PC. :

1. When the matter is called out, learned Court Associate informs the Court that the notices issued to the Defendants No. 1 to 6 have been returned unserved.

2. A perusal of the service report dated 24th March, 2026 indicates that the notices have been returned unserved with various remarks such as, "Addressee Left without instructions, "No such person in the address", "Since name of Building not available in the given address not able to find the address". In short, the notices have been returned unserved.

3. Mr. Shah, learned Counsel appears for the Plaintiff and submits that since the Plaintiff's witness is present in the Court, this Court may mark the affidavit in lieu of examination-in-chief.

4. Accordingly, the Plaintiff's witness is directed to step into the witness box and is administered oath by the learned Court Associate.
5. Just after the oath has been administered, the Plaintiff's witness Mr. Paras D. Gundecha states that there are typographical errors in the affidavit.
6. Mr. Shah, learned Counsel for the Plaintiff seeks some time to file additional affidavit.
7. Let the additional affidavit in lieu of examination-in-chief of the Plaintiff's witness be filed within a period of three weeks with copy to the other side.
8. List on **23rd April, 2026** for marking of Plaintiff's documents. Let Plaintiff's witness remain present in the Court on the next date.

(ABHAY AHUJA, J.)

Digitally
signed by
NIKITA
YOGESH
GADGIL
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