

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****COMMERCIAL SUIT NO.46 OF 2014**

National Bank For Agriculture And Rural Development ...Plaintiff

vs.

Saral Enterprises And 5 Ors.

...Defendants

Mr. S.P. Bharti, for the Plaintiff.

Ms. Huda Diamondwala, i/b. Diamondwala and Co., for Defendant No.3.

Mr. Amit Shastri, AGP, for Defendant No.6.

CORAM : S.C. GUPTE, J.

DATE: 23 NOVEMBER 2020

P.C.:

. This commercial suit has to be heard along with five other suits, namely, Suit No.577 of 2009, Suit No.1151 of 2011, Suit No.1438 of 2011, Suit No.2111 of 2011 and Suit No.2500 of 2012. All these suits appeared lastly before this Court on 2 April 2019. This Court noted on the last date the status of each of these suits. In some suits, there was transposition of parties, whilst in some others only some of the Defendants had filed written statements. Some suits were transferred to the list of undefended suits, whilst in some even writ of summons was not issued to some of the Defendants. This Court noted that all this needed to be set right in accordance with the CPC amended vide the Commercial Courts Act. The suits were, in the premises, directed to be placed before the Prothonotary and Senior Master.

2. The suits, accordingly, appeared before the Prothonotary on 30 April 2019 for directions. So far as Suit No.577 of 2009 is concerned, office was directed by the Prothonotary to issue a fresh writ of summons, if required, to Defendant No.4A after extending the returnable date to 7 June 2019. Suit No.1151 of 2011 was transferred to the list of undefended suits so far as Defendant Nos. 19, 20, 23, 25 and 27 are concerned, and directions were passed for affidavit of documents so far as Defendant No.7 was concerned. As for Defendant No.16 in that suit, office was directed to issue a fresh writ of summons, if required, with returnable date extended upto 7 June 2019. In Suit No.1151 of 2011, the Prothonotary directed the suit to be transferred to the list of undefended suits so far as Defendant Nos. 6, 8 and 9 are concerned. As for Suit No.2211 of 2011, the suit was transferred to the list of undefended suits so far as Defendant Nos. 7 and 8 are concerned. As for the present suit, namely, Commercial Suit No.46 of 2014, the suit was transferred to the list of undefended suits as against Defendant Nos. 1, 2, 4 and 5 and written statements were taken on record on behalf of Defendant Nos. 3 and 6.

3. Considering the present status of the suits, which are to be heard together, the following order is passed:-

(i) Commercial Suit No.46 of 2014 shall appear on 4 December 2020 along with Suit No.577 of 2009, Suit No.1151 of 2011, Suit No.1438 of 2011, Suit No.2111 of 2011 and Suit No.2500 of 2012 for a case management hearing.

(ii) The parties to be ready with all aspects of case management

hearing under Order 15A of the Code of Civil Procedure on the next date.

(iii) So far as Commercial Suit No.46 of 2014 is concerned, the parties shall be ready with issues, preferably agreed issues between all contesting parties. In case of disagreement between the parties, the concerned issues shall be settled by the Court and further directions for the trial shall be passed.

(iv) It is made clear that under no circumstances will any request for adjournment shall be considered on the part of any of the parties on the next date.

(v) Stand over to 4 December 2020.

4. This order will be digitally signed by the Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(S.C.GUPTA, J.)