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

SUIT NO. 577 OF 2009

Jayanand Khira & Company Pvt Ltd & Anr ...Plaintiffs
Versus
Chitaranjan D Shah & Ors ...Defendants

WITH

SUIT NO. 1151 OF 2011

WITH

SUIT NO. 1438 OF 2011

WITH

NOTICE OF MOTION NO. 1558 OF 2011

IN

SUIT NO. 1151 OF 2011

WITH

SUIT NO. 2211 OF 2011

WITH

NOTICE OF MOTION NO. 2222 OF 2011

IN

SUIT NO. 1438 OF 2011

WITH

NOTICE OF MOTION NO. 2650 OF 2011

IN
SUIT NO. 2211 OF 2011
WITH
SUIT NO. 2500 OF 2012
WITH
NOTICE OF MOTION NO. 329 OF 2013
IN
SUIT NO. 2500 OF 2012
WITH
COMMERCIAL SUIT NO. 46 OF 2014
WITH
CHAMBER SUMMONS NO. 740 OF 2014
IN
SUIT NO. 2500 OF 2012

Ms Mamta Sadh, *i/b Sudhakar G Lakhani, for the Plaintiff in Suit No. 2211 of 2011, for Defendant Nos. 7 to 14 in Suit No. 577 of 2009 and for Defendants Nos. 1, 2, 3(a) to 3(b) and 4 to 8 in Suit No. 1438 of 2011.*

Mr Rohan Cama, *with Mr GC Mohanty, i/b M/s Mohanty & Associates, for Defendants Nos. 1 and 2 in Commercial Suit No. 46 of 2014.*

Mr Amit Shastri, *AGP, for Defendant No.6 in Commercial Suit No. 46 of 2014.*

Mr Kunal Bhanage, *AGP, for Defendant No. 9 in Suit No. 1151 of 2011 and Defendant No. 17 in Suit No. 2500 of 2012.*

Mr DS Shingade, *for MCGM.*

Ms Rajashri Kale, *Master and Assistant Prothonotary, (Judicial), present.*

CORAM: G.S. PATEL, J
DATED: 2nd April 2019

PC:-

1. All these suits, along with the report dated 30th March 2019 of Ms Rajashri Kale, Master and Assistant Prothonotary, are to be placed before the Prothonotary and Senior Master for appropriate directions at the earliest. Ms Kale's report says that the status in each suit is different. In some suits there is a transposition of parties. In some suits some of the Defendants have filed Written Statements. In other cases there are orders transferring the suits to the list of undefended causes. There are some suits where a Writ of Summons has been served but only on some of the Defendants. This will all need to be set right in an orderly fashion following the provisions of Code of Civil Procedure 1908 and where applicable the Commercial Courts Act and its amendments to the Code of Civil Procedure.

2. Specifically, no delay in Written Statements is possible to be condoned in the Commercial Suit. Where a Writ of Summons has not been served an appropriate order of dismissal will have to be made. Where the Writ of Summons is proved to have been served i.e. there is an Affidavit of Service and there is no Written Statement, the Prothonotary and Senior Master will have to make an appropriate order. I will therefore request the Prothonotary and Senior Master to list all these suits before him at the earliest and in any event before the summer vacation and thereafter place the suits with his orders and the status report for directions on 10th June 2019.

3. In passing his directions the Prothonotary and Senior Master will undoubtedly have regard to any orders that may have been passed in Appeal or by the Supreme Court.

(G. S. PATEL, J)