

Before : Anil H. Laddhad
Prothonotary and Senior Master

Date : 29th January, 2026

CALLED FOR DIRECTIONS :

2. S/374/2022
with connected
matters

) Mr. Karan Fafat i/b. M/s. Jani & Parikh, Advocate
) for Plaintiff
)
) Mr. Nilesh Modi a/w. Mr. Ashish Rebello i/b. M/s.
) Rustamji & Ginwala, Advocate for Defendants
)
)
) P.C. : It is recorded in Order dated 03.10.2025
) passed by this Authority that Ld. Advocate for
) Plaintiff made a statement that they have served
) Writ of Summons upon Defendant Nos. 4 to 6, 10
) to 12, 14, 19, 20 to 25 and 27 on 03.10.2025. It is
) further recorded that Defendant No. 13, on
) instructions waived service of Writ of Summons.
)
) Ld. Advocate for Defendants made a statement
) that Defendant No. 10 has filed Written Statement
) on 31.12.2025, Defendant No. 14 has filed
) Written Statements on 19.12.2025 and Defendant
) Nos. 20 and 21 have filed Written Statements on
) 23.12.2025 and 16.12.2025 respectively. He
) further made a statement that Written Statement
) on behalf of Defendant No. 13 was ready on
) 05.01.2026. Statements are accepted.
)
) Suit against **Defendant Nos. 10 and 14** is
) transferred to the list of **Long Causes**.
)
) It appears that Defendant Nos. 20 and 21 were
) served with Writ of Summons on 03.10.2025 and
) they have filed Written Statement on 23.12.2025
) and 16.12.2025 respectively, i.e. within stipulated
) time. However, vide Order dated 03.12.2025,
) inadvertently, Defendant Nos. 20 and 21 are
) transferred to the list of Undefended Suit. Hence,
) Order dated 03.12.2025 transferring Defendant
) Nos. 20 and 21 to the list of Undefended Suit is
) recalled and **Defendant Nos. 20 and 21** are
) transferred to the list of **Long Causes**.

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) Defendant No. 13, on instructions waived service
) of Writ of Summons on 03.10.2025 but his Written
) Statement was ready on 05.01.2026 i.e. beyond
) limitation. Hence, Suit against **Defendant No. 13**
) is transferred to the list of **Undefended Suit**.
) Defendant No. 13 is at liberty to file application
) for condonation of delay caused in filing Written
) Statement.

) Despite service, Defendant Nos. 19, 25 and 27
) failed to file Written Statement within stipulated
) time. Hence, Suit against **Defendant Nos. 19, 25**
) **and 27** is transferred to the list of **Undefended**
) **Suit**.

) Ld. Advocate for Defendants contended that in a
) partition suit, no Defendant can be transferred to
) the list of Undefended Suit, as there will be
) conflict in Decrees.

) In my view, served Defendants can take
) appropriate steps before the Hon'ble Court and
) agitate the aforesaid issue.

) As Interim Application to bring legal heirs of
) Defendant Nos. 1, 8 and 15 is pending, matter is
) adjourned to 27.02.2026.

Date : 29.01.2026

Prothonotary & Senior Master