



2021:BHC-OS:687

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

SUIT NO. 609 OF 2017

Dan Kutir Co-operative Housing Soc. Ltd. Plaintiff
Versus
Niraj Kakad Constructions Pvt. Ltd. and 2 Ors Defendants

Before : D. B. Iswalkar
Accounts Officer,
I/c. Draft Decree Departement
Date : 15th April, 2026

Present: None for the Plaintiff.

Mr. Vipul Makwana i/b. W3 legal LLP, Advocate for Defendant Nos. 1 & 2.

CALLED FOR SETTLEMENT OF DRAFT DECREE :

1. This is an adjourned matter for the purpose of settlement of the Draft Decree.
2. Mr. Vipul Makwana, learned Advocate for the Plaintiff, submits that due and proper service of process has been effected upon the Plaintiff as well as the remaining Defendants of this matter.
3. Despite service of the Draft Decree upon record, it is observed that the Plaintiff as well as the remaining Defendants have not appeared in the matter today. The Plaintiff and the remaining Defendants have repeatedly failed to appear, not only on the present date of hearing but also on multiple prior occasions when the matter was duly listed.
4. During the process of settling the draft decree, it was observed that the draft decree is not in consonance with the order. It was submitted that certain corrections are required to be carried out in the Draft Decree. In view of the same, the learned Advocate for the Plaintiff requested that the matter be adjourned to enable the parties to check and incorporate the necessary corrections and place a revised draft on record. Considering the submission made and the nature of the corrections sought, the



request for adjournment was found to be reasonable. Accordingly, the same is **2021:BHC-OS:687** granted.

5. It is directed that the Draft Decree shall be taken up for consideration only after a fresh draft is filed by the learned Advocate present today.

6. In view of the above, the present matter is adjourned to **4th May, 2026 at 11:30 a.m.**

Accounts Officer
I/c. Draft Decree Department