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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O. CIVIL JURISDICTION**

SUIT NO. 3 OF 2010

Mumtaz d/o Riyazuddin & wife of Suleman
Khan & Anr.

...Plaintiffs

vs

Jamaluddin Riyazuddin Shaikh & Ors.

...Defendants.

.....

Mr Omar K. Shaikh for the Plaintiffs.

Ms Aparna Deokar i/b M.P.Vashi & Associates for the
Defendants.

.....

CORAM : **B.P.COLABAWALLA, J.**
JUNE 15, 2017.

P.C.:

The matter has been placed on board for directions today as the Plaintiffs seek extension of time to file his affidavit in lieu of examination-in-chief of the first witness. By an order dated 7th February, 2017 this Court had *inter alia* directed that the Plaintiffs shall file their list of witnesses and the affidavit in lieu of examination-in-chief of the first witness together with compilation of documents and serve a copy thereof upon the Defendants by 18th March, 2017. Learned advocate for the Plaintiffs state that this direction has not been strictly complied

with. Learned advocate for the Plaintiffs further state that the affidavit in lieu of examination-in-chief of the first witness is ready and will be filed in the Registry during the course of day. He, therefore, apologises and seeks extension of time to file affidavit in lieu of examination-in-chief of the first witness.

2 This application is vehemently opposed by the learned Advocate appearing on behalf of the Defendants. She brings to my attention paragraph 4 of the order dated 7th February, 2017 which states that, since this suit is of the year 2010 and earlier directions have been passed for filing affidavit of documents etc. no further time will be granted and parties will be restrained to rely only on those documents copies whereof are annexed to the plaint or written statement etc. She, therefore, submits that no extension should be granted.

3 After hearing both sides, the interest of justice would be served if I grant last opportunity to the Plaintiffs to file the affidavit in lieu of examination-in-chief of the first witness which is admittedly ready and will be filed during the course of day. However, this would be subject to payment of costs of

Rs.10,000/- which shall be paid by the Plaintiffs to the Defendants within a period of one week from today.

4 List the suit for marking of documents on 5th July, 2017.

(B.P.COLABAWALLA,J.)