



Before : Sachin B. Bhansali
Prothonotary and Senior Master

Date : 12th November, 2024

FOR DIRECTIONS :

4. S/409/2023
with connected
matters

) Mr. Aviral Jain a/w. Ms. Ishita Desai i/b. Vesta
) Legal, Advocate for the plaintiff.
)

) Mr. Kamlesh Varma I/b. Tushar Goradia,
) Advocate for defendant nos. 1, 4, 5, 22 to 28
) and 32 to 35.
)

) P.C. : As per Affidavit of Service dated 04.10.2024
) filed on 07.10.2024, Writ of Summons has already
) been served upon Defendant No. 2 on 31.07.2024.
) Despite service, neither this Defendant appeared nor
) filed Written Statement.
)

) Ld. Advocate appearing for Defendant Nos. 1,4,5,22
) to 28 and 32 to 35 seeks further time to file Written
) Statement, as he could not finalize the same due to
) Diwali Vacation; to which Ld. Advocate appearing for
) Plaintiff vehemently objected, on the pretext that
) time to file Written Statement is already over, as Writ
) of Summons has duly been served upon these
) Defendants on 31.07.2024 and copy of Complaint has
) been served in the year 2022.
)

) I have considered the rival contentions of both the
) Advocates. As per Order VIII Rule 1 of CPC, in
) ordinary Suit, outer limit for filing Written Statement
) is 90 days, which has already been over in the present
) matter. Hence, time to file Written Statement by these
) Defendants cannot be extended post 90 days by this
) Authority.
)

) For the afore-mentioned reasons, Suit against
) Defendant Nos. 1, 2, 4, 5, 22 to 28 and 32 to 35 is



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.... Continued

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)
) transferred to the list of Undefended Suit.
)
) Ld. Advocate appearing for the Plaintiff seeks time to
) take instructions from the Plaintiff in respect of
) unserved Defendant Nos. 6, 8, 9, 29 to 31 from the
) Plaintiff.
)
)
) At the request of Ld. Advocate for Plaintiff, adjourned
) to 13.01.2025 for filing Affidavit of Service.

Date : 12.11.2024

Prothonotary & Senior Master