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C.S.No.59 of 2018, C.S.No.632 of 2018
& C.S.(Comm.Div.)No.113 of 2022

C.S.No.59 of 2018, C.S.No.632 of 2018
and
C.S.(Comm.Div.)No.113 of 2022

C.SARAVANAN, J.

Both sides are present.

2. On an earlier occasion i.e., on 15.03.2022, issues were framed in C.S.No.59 of 2018 along with C.S.(Comm.Div.)No.632 of 2018. Thereafter, the defendants had filed A.No.1769 of 2022 for filing Additional Written Statement in C.S.No.59 of 2018, in the light of connected suit in C.S.No.54 of 2018. The application came to be allowed by this Court on 10.06.2022. Thereafter, C.S.(Comm.Div.)No.113 of 2022 was also filed and after the pleadings were completed, the issues were framed on 27.01.2023 in C.S.(Comm.Div.)No.113 of 2022.

3. The plaintiff has now filed additional affidavit of admission and denial of documents filed by the defendant, which is taken on record. At this stage, the learned Counsel for the plaintiff would submit that in C.S.No.59 of 2018, the following issue may also be added:



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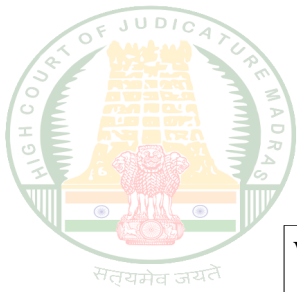
"Whether the Additional Written Statement filed by the first defendant in C.S.No.59 of 2018 taking a new plea is permissible or not?"

4. The learned Counsel for the defendants in C.S.No.59 of 2018 would submit that in view of the order passed by this Court on 10.06.2022 vide A.No.1769 of 2022 in C.S.No.59 of 2018, there is no necessity for framing the above issue as the Court has tacitly accepted that the defendants are entitled to file the Additional Written Statement.

5. In my view, there is no harm in allowing/by framing the above issue as it can always be canvassed at the time of arguments. It does not involve any question of fact in issue. Accordingly, the aforesaid issue is also framed in C.S.No.59 of 2018.

6. Parties have arrived at a consensus for joint case management hearing and have filed a Memo, the content of which reads as under:-

Witness name and rank (PW/DW/CW)	Briefly state why this witness is being examined	Agreed date(s) for evidence
PW1:	The proposed PW1 is	Chief : 20.02.2023.



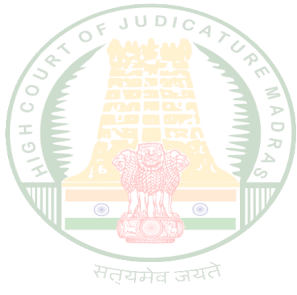
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Witness name and rank (PW/DW/CW)	Briefly state why this witness is being examined	Agreed date(s) for evidence
Rakesh P Sheth	the managing director of Karismaa Foundations Pvt.Ltd., which is one of the principal contesting parties in all the three suits. Hence, the proposed PW1 will be examined to throw light on various issues that are at controversy in the present <i>lis</i> .	Cross : Between 21.01.2023-24.02.2023.
DW1 : Shreyas Lunawath	The Defendant Witness will be examined to speak about: a. The Turnkey Construction Agreement dated 24.08.2009. b. Legal Notice dated 27.07.2016 sent by the Plaintiff to the Defendant. c. Legal Notice dated 07.07.2014 issued by the Defendant to the Plaintiff. d. Reply Notice dated 25.03.2015 issued by the Defendant to the Plaintiff.	Chief : 27.02.2023. Cross : 28.02.2023-03.02.2023.

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7. The case is directed to be listed before the learned Additional
Master-I for commencement of trial on 20.02.2023.

30.01.2023

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and
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