

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1193 OF 2015

Altaf Adam Ali Pardiwala and anr. : Petitioners
versus
Krishna Murari Mathur and ors. : Respondents.

Mr. A S Khandeparkar with Mr. Lokesh Zade i/by Khandeparkar & Associates for the Petitioners.
Mr. Vaibhav Sugdhare i/by M/s. Thakordas & Madgaonkar for the Respondent No.1.

CORAM : R. M. SAVANT, J.
DATE : 25th February 2015

P.C.

1 The order dated 20/11/2014 passed by the learned Judge of the City Civil Court Greater Bombay whereby the Application i.e. the Notice of Motion No.1775 of 2014 filed by the Petitioners – Defendant Nos.2 and 3 for taking their written statement on record by extending time for filing the same came to be rejected is taken exception to by way of the above Writ Petition.

2 After the learned counsel for the parties i.e. the Shri A S Khandeparkar appearing for the Petitioners and Shri Vaibhav Sugdhare appearing for the Respondent No.1 were heard at some length, the learned counsel for the Petitioners states that in view of the fact that the Plaintiff has accepted the position that the written statement signed and filed by the Defendant No.1 in the suit was on behalf of all the Defendants, the Petitioners

– Defendant Nos.2 and 3 would be satisfied if the said written statement filed by the Defendant No.1 is treated as the written statement filed on behalf of the Defendant Nos.1 to 3. It is required to be noted that in paragraph 4(b) of the reply filed by the Plaintiff to the instant Notice of Motion No.1775 of 2014, it is averred to the following effect (excerpt) :-

“It is pertinent to note that the said Written Statement was filed by the Defendant No.1 on behalf of the Defendants.”

3 The learned counsel appearing for the Respondent-original Plaintiff Shri Sugdhare on instructions also makes a statement that the Plaintiff has no objection to the said written statement filed by the Defendant No.1 which is already on record be treated as the written statement filed on behalf of the Defendant Nos.1 to 3. However, he states that the Defendants should not contend that there is an inter-se conflict of interest amongst the Defendant Nos.1 to 3. Upon this, the learned counsel appearing for the Petitioners – Defendant Nos. 2 and 3 states that such a contention would not be raised in the suit. Hence by accepting the statement made by the learned counsel for the Petitioners-Defendant Nos.2 and 3 that the written statement filed by the Defendant No.1 be treated as the written statement filed on behalf of the Defendant Nos.1 to 3, the above Writ Petition is disposed of.

[R.M.SAVANT, J]