

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

WRIT PETITION (STAMP) NO.32934 OF 2014

Madhani Developers Pvt. Ltd.

.. Petitioner

Versus

Nishit Rajendra Jhaveri and others

.. Respondents

Mr. Girish Godbole a/w Bankim Ganger i/b Negandhi, Shah & Himayatullah, for the Petitioner.

Mr. R. M. Pandey, Advocate for Respondents No.1 to 3.

Mr. Rajesh Sawant, Advocate for Respondents No.6 & 7.

CORAM : R.M. SAVANT, J.

DATE : 16th JANUARY, 2015

PC.

1. The order dated 19th November, 2014 passed by the Learned Judge of the City Civil Court at Greater Bombay, rejecting the Notice of Motion No.1137 of 2013 filed by the Defendant No.1 i.e. Petitioner herein for setting aside the “no written statement” order and for permitting the Defendant No.1 to file its written statement is taken exception to by way of the above petition.

2. The learned counsel for the Respondents No.1 to 3 i.e. original Plaintiffs on instructions states that the Plaintiffs have no objection, if the written statement of the Defendant No.1 i.e. Petitioner herein is taken on

record. In view of the said statement, there is no warrant to give detailed reasons for setting aside the impugned order. The impugned order dated 19th November, 2014 is accordingly set aside. Resultantly, the Notice of Motion No.1137 of 2013 would stand allowed. The learned counsel for the Petitioner i.e. Defendant states that the W.S. would be filed on 21st January, 2015 which is the next date in the suit. The Trial Court is directed to accept the said written statement. In the facts and circumstances of the case, the hearing of the suit is expedited. The petitioner/original Defendant No.1 to deposit costs of Rs.10,000/- with the Maharashtra State Legal Services Authority on or before 21st January, 2015 and obtain receipt. The said receipt to be filed in the Trial Court.

[R.M. SAVANT, J]