

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3150 OF 2009  
IN  
SUIT NO.3417 OF 2007

Ravi Nair ... Plaintiff  
V/s.  
Maharashtra Housing and  
Area Development Authority & Ors. ... Defendants

Mr.S.Joseph i/b UNI Lex for Plaintiff.  
Mr.Roop M. Vasudeo a/w Mr.Nilesh Parmar for Applicant in  
CHSL/916/2015.  
Ms.Apurva Murlidhar i/b P.G.Lad, AGP for State-Defendant No.1.  
Ms.N.Kotwal i/b MDP & Partners for Defendant No.2.

**CORAM** : K.R. SHRIRAM, J.

**DATE** : SEPTEMBER 28, 2015

**P.C.**

. This Notice of Motion is taken out on behalf of the Defendant No.1 to recall the order dated 28<sup>th</sup> July, 2009 passed by the Prothonotary and Senior Master, High Court, Bombay directing the suit as against the Defendant No.1 be transferred to the list of undefended suits. In the affidavit in support, the Applicant has explained the reason why written statement could not be filed and why nobody remained present on 28<sup>th</sup> July, 2009. The learned counsel further states that draft of the written

statement is ready and the same will be declared and filed in the Registry within one week from today. The learned counsel for the Plaintiff strongly opposes and states that this is nothing but an attempt to drag the matter.

2. I have considered the affidavit in support and also heard the learned counsel appearing for the Applicant as well as the counsel for the Plaintiff. Though in the order dated 28<sup>th</sup> July, 2009 the suit was directed to be listed undefended suit, it has not been so listed as on date. Therefore, I do not see any prejudice being caused to the Plaintiff if one last opportunity is given to the Defendant No.1 which is the Maharashtra Housing and Area Development Authority, a body constituted under the Maharashtra Housing and Area Development Act, 1976. In the circumstances Notice of Motion is allowed in terms of prayer clause (a). The Defendant No.1 has to ensure that the written statement is declared and filed in the Registry and copy given to the Plaintiff not later than 6<sup>th</sup> October, 2015. It is made clear that no further time will be granted to the Defendant No.1.

3. The Notice of Motion accordingly stands disposed.

(K.R. SHRIRAM, J.)

CERTIFICATE

Certified to be true and correct copy of  
the original signed Judgment/Order.