

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

**NOTICE OF MOTION NO.105 OF 2016
IN
SUIT NO.2739 OF 2011**

Jeetsingh Vedram Singh

....Plaintiff

V/s.

Michael A.Soosai

....Defendant

Mr.P.G.Karande for plaintiff.

Mr.S.Kanagaraj for defendant and for applicant in Notice of Motion.

CORAM : K.R.SHRIRAM,J

DATE : 23.3.2016

P.C.:-

1 This Notice of Motion is taken out to condone the delay in filing the written statement and to take the same on record. The counsel for the plaintiff strongly opposes the Notice of Motion. This application has been taken out because the defendant felt that the suit has been transferred to the list of undefended suits by an order dated 19.10.2012. I do not find any such order dated 19.10.2012 in the court records though in the listing dates in the High Court website it appears that the matter on that date was listed before the Prothonotary & Senior Master. There is an order dated 6.1.2015 in which it is stated that the amended plaint has been served upon the defendant and the defendant wishes to file the written statement. The written statement is affirmed on 6.1.2015. Therefore, in my view, the written statement can be taken on record. Registry to accept the

written statement and take it on record subject to removal of office objections.

2 Now that the pleadings are complete, the matter to be listed on 18.4.2016 for issues. In the meanwhile, parties to file their respective affidavit of documents with details of the documents in the schedule and complete discovery and inspection before 13.4.2016. Parties should also prepare and exchange their statement of admission and denial with reasons for denial. If these directions are not strictly complied with, parties will be put to terms. The defendant to serve a copy of the written statement upon the plaintiff's Advocate on or before 28.3.2016.

(K.R.SHRIRAM,J)