

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

**SUMMONS FOR JUDGEMENT NO. 9 OF 2015
WITH
CHAMBER SUMMONS (LODG.) NO. 824 OF 2016
WITH
LEAVE PETITION NO. 63 OF 2013
IN
SUIT NO. 894 OF 2014**

Kiran Kanhaiyalal Mirani

.. Plaintiff

Vs.

Trans-Fab Power India Pvt. Ltd.

.. Defendant

Mr.Manwani Ajeet Ashok for plaintiff.

Dr.Birendra Saraf, advocate a/w. Ms.Pooja Kshirsagar i/b Pramod N. Patil
for defendant.

CORAM : K.R.SHRIRAM, J.

DATE : 21ST JUNE, 2016

P.C.

1 The chamber summons (lodg.) No. 824 of 2016 is taken out by the defendant for leave to recall the leave granted under Clause 12 of the Letters Patent. According to the defendant, leave was obtained at a stage when the suit itself had been dismissed for non-removal of office objections and hence the leave was non-est.

2 The counsel for the applicant stated that they will, at this point of time, not press for revocation of the leave granted under Clause 12 but will

raise that point along with the issue of jurisdiction in the written statement provided the plaintiff is willing to make a statement that he does not press for the summons for judgement and the suit be rendered to trial.

3 The counsel for the plaintiff agrees.

4 Keeping open the contentions of the defendant to contend that this Court has no jurisdiction and leave should not have been granted to be raised in the written statement along with other defences on merits, the chamber summons is disposed.

Notwithstanding disposal of the chamber summons, the applicant to have the office objections removed and have the chamber summons numbered within one week from today.

5 Unconditional leave to defend is granted.

The summons for judgement accordingly stands disposed.

6 The following further directions are passed in the suit :

(i) The defendant to file and serve a copy of the written statement on or before 19th July 2016.

(ii) Affidavit of documents to be filed by the

parties and copies exchanged by 26th July 2016.

(iii) Inspection to be given and discoveries to be completed by 2nd August 2016.

(iv) Statement of admission and denials with reasons for denial to be filed and copy served by 9th August 2016.

7 Suit to be listed on 22nd August 2016 for issues.

(K.R. SHRIRAM, J.)