

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

**NOTICE OF MOTION NO.501 OF 2016
IN
SUIT NO.588 OF 2013**

Shree Siddhivinayak Developers & Ors.

....Applicants/
Org. Def. Nos.7,9 & 14

IN THE MATTER BETWEEN :

Songbird Credit Services Pvt. Ltd. & Ors.

....Plaintiffs

Vs.

M/s. Sailee Developers & Ors.

....Defendants

Mr. Madhav V. Kanoria a/w. Mr. Parth Gokhale i/b. Khaitan and Co. for the plaintiffs.

Ms. Sharmili Mhatre i/b. Rohitashwa Narayan Shetty for the defendant nos.1 to 5.

Mr. N.G. Gadre i/b. L.C. Tolat & Co. for the defendant nos.7, 9 and 14 and for the applicants in notice of motion no.501 of 2016.

Ms. Shachi Udeshi i/b. Wadia Ghandy and Co. for the defendant no.11.

CORAM : K.R.SHRIRAM, J.

DATE : 21st DECEMBER, 2016

P.C.

1 Have heard the counsel for the applicants and the plaintiffs and also considered the affidavit in support of the notice of motion.

2 When the order dated 16th December, 2014 was passed on which date the suit as against the applicants in this notice of motion was transferred to the list of undefended suits, the service on the other defendants were yet to be completed. The counsel appearing for the plaintiffs states that service on all the defendants is completed but he does

not know when the service were completed.

The plaintiffs to file affidavit of service within one week from today.

3 Since on 16th December, 2014 the service on all the defendants were not even completed, I am inclined to condone the delay and the delay is hereby condoned.

4 Mr. Gadre, counsel for the applicants states that the written statement of defendant nos.7,9 and 14, who are applicants in this notice of motion will be filed in the registry during the course of this week. The statement is accepted. Within one week from today a copy of the said written statement also to be served upon the plaintiffs.

5 The notice of motion accordingly stands disposed.

(K.R. SHRIRAM, J.)