

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 1456 OF 2016

IN

SUIT NO. 2959 OF 2005

Inderpal Singh

...Applicant/Defendant No.9

In the matter between:

Meena Akthar Rizvi

....Plaintiff

Versus

Birender Singh & ors.

....Defendants

Ms. Aditi Phatak i/b. Ravi Thankaian for plaintiff.

Mr. D. A. Athawale for defendant no. 1.

Ms. Anita Castellino i/b. Kartik S. Aiyer for defendant Nos. 3, 9 and 11
and for applicant in Chamber Summons No. 1456 of 2016.-----
CORAM : K.R. SHRIRAM, J.

DATE : 08 SEPTEMBER, 2016.

P.C.:

1. This Chamber Summons is taken out on behalf of defendant nos. 3, 9 and 11 to condone the delay in filing written statement and to file the written statement on record.

2. By an order dated 26th November, 2014, this Court had granted time of four weeks for all the defendants to file written statements. The

counsel appearing for the applicant states that defendant nos. 9 and 11 were minors at the time of lodging of the suit and in view of the ill-health as expressed in the affidavit-in-support by defendant no. 9 they were unable to coordinate and comply with the directions given by this Court on 26th November, 2014. The counsel appearing for the plaintiff opposed the application. I am also told that an appeal against the order passed by this Court has been preferred by the plaintiff and the same is still pending. The counsel also states that the written statement of defendant nos. 3, 9 and 11 has been affirmed on 22nd March, 2015. However, the counsel for the applicant agreed to give a donation of Rs.20,000/- to the High Court Library (O.S.) and Rs.5000/- as costs to the plaintiff's Advocate within four weeks from today. Therefore, I am inclined to condone the delay and take the written statement on record.

3. The Registry to accept the written statement and to take same on record, subject to removal of office objection. The applicant to file written statement in the Registry during the course of the day.

4. The Chamber Summons, accordingly, stands disposed.

5. Registry to accept additional written statement of defendant no.1.

6. The suit be listed for issues on 3rd October, 2016.

7. The suit as against these defendants who have not filed written statement be transferred to list of undefended suits.

8. In the meanwhile, the defendants who have filed written statement and the plaintiff to file affidavit of documents, to complete discovery and inspection and exchange their statements of admission and denial with reasons for denial. This suit is of the year 2005. If the directions in this paragraph are not strictly and meticulously complied with the parties will put to be terms including substantial costs for non-compliance with the Court's directions.

(K.R. SHRIRAM, J.)