

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

**SUMMARY SUIT NO.281 OF 2015
WITH
NOTICE OF MOTION NO.851 OF 2016**

Ashok Kumar DamaniPlaintiff

V/s.

Kieon Developers Private Ltd.Defendants

Mr.Gauraj Shah i/by Vimadalal & Co. for plaintiff.

Ms.Meetal Savla i/by P.M.Shah for defendants.

CORAM : K.R.SHRIRAM,J

DATE : 25.7.2016

P.C.:-

1 The counsel for the defendants states that the defendants cannot comply with the pre-condition for leave to defend and hence decree may be passed. The counsel for the plaintiff submits that in view of the order passed on 20.2.2015, if decree is passed and attachment is vacated, decree itself will be defeated and prays for dispensation of drawn up decree and also that the order granted on 20.2.2015 be extended by some time so that he will take out execution application in the meanwhile. The counsel for the defendants has no objection.

2 Having considered the order dated 20.2.2015, in my view, it is a fit case to grant the request as sought by the plaintiff.

3 In the circumstances, suit stands decreed with cost in the sum of Rs.50,000/-. Drawn up decree is dispensed with. The order dated 20.2.2015 to continue until 29.8.2016. Notice of Motion No.851 of 2016 stands disposed.

(K.R.SHRIRAM,J)