

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

**NOTICE OF MOTION NO.509 OF 2014
IN
SUIT NO.1119 OF 2011**

State of Maharashtra & Ors.Applicants
(Org. Def. No.1,3,5 and 8)

IN THE MATTER BETWEEN :

Krishnadevi M. Kamathia and Ors.Plaintiffs

V/s.

State of Maharashtra and Ors.Defendants

**WITH
NOTICE OF MOTION NO.1808 OF 2015
IN
SUIT NO.1119 OF 2011**

Dy. Salt CommissionerApplicant
(Org. Def. No.2-A)

IN THE MATTER BETWEEN :

Krishnadevi M. Kamathia and Ors.Plaintiffs

V/s.

State of Maharashtra and Ors.Defendants

Mr. Ryan Menezes i/b. Jhangiani, Narula and Associates for the plaintiffs.

Mr. G.W. Mattos, AGP for defendant nos.1,3 to 5 and 8 (State).

**CORAM : K.R.SHRIRAM,J
DATE : 29th SEPTEMBER, 2016**

P.C.:-

NOTICE OF MOTION NO.509 OF 2014

1 This notice of motion is taken out to add certain preliminary issues to the issues that were settled on 14th March, 2014.

2 Have heard the counsel for the applicants and also considered the affidavit in support of the notice of motion. The issues which were settled on 14th March, 2014 are recast as under :-

(a) Whether the defendants prove that the plaintiffs have disposed of the suit property before filing of the suit and hence the plaintiffs are not entitled to maintain the present action?

(b) If the answer to issue no.(a) is in the negative, then whether the plaintiffs prove that the suit filed is within limitation?

(c) Whether the plaintiffs have any cause of action against defendant no.4?

(d) Whether the defendants prove that the suit property is forest land and hence in any event no development is possible in that land?

(e) Whether the plaintiffs prove that the plaintiffs are entitled to the reliefs as sought in paragraph 42, i.e., prayer clause of the plaint?

(f) What decree? What order?

3 The notice of motion accordingly stands disposed.

4 The parties are directed to file their respective affidavit of documents, give inspection of their respective documents and also file and exchange their statement of admission and denial with reasons for denial within three weeks from today.

5 On or before 19th November, 2016 the plaintiffs also to file their list of witnesses and affidavit in lieu of examination in chief of the first witness and serve a copy thereof upon the defendants.

6 The suit be listed on 25th November, 2016 for marking of documents on which date the plaintiffs' first witness to remain present in court.

NOTICE OF MOTION NO.1808 OF 2015

1 This notice of motion is taken out on behalf of defendant no.2(a) to condone the delay in filing the written statement and take the written statement on record.

2 The notice of motion is allowed and accordingly disposed of in terms of prayer clause – (a).

3 The written statement to be filed in the registry and copy to be served upon the plaintiffs and other defendants within one week from today. It is made clear that if this direction is not complied with, the registry shall not take the written statement on record.

4 As regards those defendants who have not filed their written statement, the suit be transferred to the list of undefended suits.

(K.R.SHRIRAM,J)