

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

SUIT NO. 292 OF 2012

Gammon India Ltd. .. Plaintiff
Vs.
Arch Consultancy Services Pvt. Ltd. & Anr. .. Defendants

**WITH
NOTICE OF MOTION NO. 1771 OF 2016**

IN

SUIT NO. 292 OF 2012

Arch Consultancy Services Pvt. Ltd. .. Applicant

In the matter between :

Gammon India Ltd. .. Plaintiff
Vs.
Arch Consultancy Services Pvt. Ltd. & Anr. .. Defendants

None for plaintiff.

Mr.Sunil Maruti Kadam for defendants/for applicant in NMS/1771/2016.

**CORAM : K.R.SHRIRAM, J.
DATE : 1ST SEPTEMBER, 2016**

P.C.

1 This notice of motion is to recall an order dated 3rd February 2014 directing the suit to be listed for ex-parte decree. The counsel for the defendants states that his written statement, declared on 21st June 2016 is ready. The plaintiff has filed an affidavit in reply opposing the notice of motion.

2 I have considered the averments in the affidavit in support. In view of what is stated therein, I am inclined to recall the order dated 3rd February

2014 and direct the registry to take the written statement on record subject to removal of office objections. At the same time, the defendants should also be put to terms.

3 The notice of motion is allowed in terms of prayer clauses (a) and (b) and accordingly disposed of.

The defendants to pay a sum of Rs.25,000 as costs to the plaintiff by way of cheque drawn in favour of the Advocate on record for the plaintiff. This amount to be paid within two weeks from today.

4 The counsel for the defendants states that he will file the written statement in the registry during the course of today. The registry to accept the written statement and to take the same on record subject to removal of office objections.

5 Within three weeks from today, the parties to file their respective affidavit of documents. Within two weeks thereafter, parties to take inspection and also exchange their statement of admission and denial with reasons for denial.

6 The suit be listed for issues after eight weeks.

(K.R. SHRIRAM, J.)