

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

NOTICE OF MOTION NO.2325 OF 2016

IN

SUIT NO.219 OF 2015

Chandralayam View Co-op. Hsg. Soc. Ltd.Applicant/Org. Def. No.2

IN THE MATTER BETWEEN :

Maganlal Popatlal Charity & Ors.Plaintiffs

Vs.

Krishnalaya Co-op Hsg. Soc. Ltd. & Ors.Defendants

None for the plaintiff.

Mr. V.H. Narvekar i/b. S.S. Kanetkar for the defendant no.1.

Ms. Sandhya Nanavare i/b. M. Janardhanan for the defendant no.2.

Ms. Geeta Shastri, AGP for the defendant nos.4 and 5.

CORAM : K.R.SHRIRAM, J.

DATE : 21st DECEMBER, 2016

P.C.

1 This notice of motion is taken out by defendant no.2 to condone the delay of 216 days in filing the written statement and to direct the registry to take the same on record.

2 The counsel for the applicant states that the written statement was affirmed on 31st March, 2016. The counsel for the applicant further states that they have served the notice of motion upon the advocate for the plaintiffs and undertakes to file affidavit of service within one week from today.

3 Neither any reply is filed nor anyone is present today for the plaintiffs to oppose the notice of motion. Have considered the affidavit in support. In view of what is stated therein, I am inclined to grant the reliefs as sought in the notice of motion.

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

5 The registry to accept the written statement and take the same on record subject to removal of office objections.

6 Whichever defendant wishes to file written statement, they may file the same and serve a copy thereof upon the plaintiffs on or before 21st January, 2017.

It is made clear that such defendants who do not file the written statement on or before 21st January, 2017, the suit as against them will stand transferred to the list of undefended suits without further reference to the court.

(K.R. SHRIRAM, J.)