

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

**NOTICE OF MOTION NO.2414 OF 2016
IN
SUIT NO.3416 OF 2007**

Sudhakar Pandurang Belose

....Plaintiff

V/s.

Jitendra Bhimashi Shah & Ors.

....Defendants

WITH

**SUIT 2609/2007
SUIT 2610/2007
SUIT 2611/2007
SUIT 2612/2007
SUIT 2613/2007
SUIT 3416/2007**

Mr.Aditya Shiralkar a/w Ms.Deepali Khare for plaintiff in Suit 2609/2007, 2610/2007, 2611/2007, 2612/2007 & 2613/2007.

Mr.M.M.Shetty for defendant no.2 in Suit 2609/2007 and for defendant no.10 in Suit 3416/2007.

Ms.S.H.Rajale i/by Amar Bhatt for defendant nos.1 & 2 in Suit 2610/2007, 2611/2007, 2612/2007 and 2613/2007.

Mr.Atul Daga a/w Ms. Kelissa D'souza i/by K.P. Parekh & Co. for defendant no.3 in Suit 2609/2007, 2610/2007 and 2611/2007 2612/2007, 2613/2007 and for defendant no.5 in Suit 3416/2007.

**CORAM : K.R.SHRIRAM,J
DATE : 3.10.2016**

P.C.:-

1 This Notice of Motion has been filed by the defendant no.5 to take on file the written statement filed by the defendant no.5. The counsel for the plaintiff states that this Notice of Motion has been

served upon the plaintiff only last week and they need time to file affidavit in reply to oppose the Notice of Motion.

2 Considering the reliefs sought and the suit filed is of the year 2007, in my view, the matter should not be delayed any further. The plaintiff has already lost 9 years due to circumstances that prevails in courts. If this Notice of Motion is adjourned, the suit will get delayed further as it is already ripe for framing of issues. In fact there are 5 other connected suits which are listed today for issues.

3 In the circumstances, interest of justice will be served if the Notice of Motion is allowed and the written statement of defendant no.5 is taken on record subject to the defendant no.5 paying sum of Rs.10,000/- as cost to the plaintiff. Written statement to be filed in the registry during the course of today. This amount of Rs.10,000/- to be paid by way of cheque drawn in favour of the Advocate on record for the plaintiff.

Notice of Motion accordingly stands disposed.

4 By consent, stand over to 17.10.2016 for framing of issues.

(K.R.SHRIRAM,J)