

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

**NOTICE OF MOTION NO.2139 OF 2015
IN
SUIT NO.2616 OF 2011**

The Municipal Corporation for
Greater MumbaiApplicant

IN THE MATTER BETWEEN :

Immacus Patric Dias & OthersPlaintiffs

V/s.

Maurice Miranda & OthersDefendants

Mr. Immacus Patric Dias, plaintiff no.1 present in person.

Ms. Nikita Trivedi a/w. Mr. R.Y. Sirsikar i/b. U.H. Deshpande for the
defendant no.3 and for the applicant in NMS/2139/2015.

CORAM : K.R.SHRIRAM,J

DATE : 28th MARCH, 2016

P.C.:-

1 This notice of motion is taken out on behalf of defendant
no.3 to condone the delay in filing the written statement and take the
same on record. The counsel for the applicant states that the written
statement was declared on 22nd September, 2015. The plaintiff
opposes the notice of motion. The plaintiff, who is appearing in
person states that he leaves it to the court and submits that the
applicant should be put to terms.

2 Have considered the affidavit in support of the notice of motion. The notice of motion, in the interest of justice, requires to be allowed as the suit in any event has been pending for many years. Ofcourse, the applicant should be put to terms.

3 The notice of motion is allowed and accordingly disposed of. The delay in filing the written statement is condoned and the office is directed to accept the written statement declared on 22nd September, 2015 and take the same on record subject to removal of office objections. The counsel for the applicants states that the written statement will be filed in the registry on or before 30th March, 2016.

4 The concerned department of the applicant to pay a sum of Rs.10,000/- as cost to the plaintiff within two weeks from today. This amount has to be paid by way of cheque drawn in favour of the plaintiff no.1.

5 The plaintiff states that the newly added defendant nos.1(a) and 1(b) have been served a copy of the plaint last week. The defendant nos.1(a) and 1(b) to file their written statement and

serve a copy thereof upon the plaintiff within four weeks from today.

6 The matter to come up on board in usual course.

(K.R.SHRIRAM,J)