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

NOTICE OF MOTION NO.2895 OF 2016
IN
SUIT NO.306 OF 2015

Romaldo George D'souza ….Applicant/Org. Def. No.1

IN THE MATTER BETWEEN :

Joanita Donald D'souza ….Plaintiff

Vs.

Romaldo George D'souza & Ors. ….Defendants

Ms. Seema S. Hunnurkar for the plaintiff.
Ms. Rohini S. Pandit for the applicant/defendant no.1.

CORAM : K.R.SHRIRAM, J.
DATE : 21st DECEMBER, 2016

P.C.

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

2 It is stated in the affidavit in support that on 8th December, 2015 this court was pleased to grant time to file written statement on or before 15th January, 2016 but since the advocate was unwell, the written statement came to be declared only on 15th February, 2016. It is also stated that the advocate unfortunately later expired. The plaintiff has not filed any affidavit in reply opposing the notice of motion but the counsel for the plaintiff in fairness stated that they will submit to the orders of this court.

3 Have considered the affidavit in support and also heard the counsel for the applicant. For reasons mentioned in the affidavit in support, the notice of motion is allowed and accordingly disposed.

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

5 At this stage, the counsel for the plaintiff states that the other defendants, viz., defendant nos.2,3 and 4 have filed their written statement and copy has been served upon the plaintiff.

6 Therefore, within four weeks from today the parties to file their respective affidavit of documents, complete discovery and inspection. Within one week thereafter parties to exchange their statement of admission and denial with reasons for denial.

7 The suit be listed on 13th February, 2017 for issues on which date the parties to come with list of agreed issues and also a separate list of issues on which they are unable to agree.

(K.R. SHRIRAM, J.)

Gauri Gaekwad