

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 24 OF 2016
IN
SUIT NO. 3729 OF 1997

Homi Framji Commissariat & Anr. ... Plaintiffs

Versus

Gowani Developers Pvt. Ltd. & Ors. ... Defendants

Mr. C.M. Korde, Senior Advocate a/w. Mr. F.N. Parvi, Ms. P. R. Patel i/b. Mulla & Mulla & Craigie Blunt and Caroe for the Plaintiffs.

Mr. Zain Mukhi for Defendant Nos. 1 to 3.

Mr. Deshmukh for Defendant No. 4.

Ms. Nikita Bhansali for Defendant Nos. 5A, 5B and 5C.

CORAM : S. J. KATHAWALLA, J.
DATED : 2ND APRIL 2016

P.C.:

1. The chamber summons is disposed off in the following terms:
2. Paragraph 15 of the Supplementary Affidavit in Lieu of Examination in Chief dated 8th December 2014 of Plaintiff No. 1 is retained.
3. Counsel for the parties are agreed that no cross-examination is required in respect of Paragraph 17 of the said affidavit. The said paragraph is retained.
4. From paragraph 24 of the Supplementary Affidavit in Lieu of Examination in Chief dated 8th December 2014 the statements reading as “*The Defendant No.4 did not look after his parents during the days when Defendant No.5*

was alive. After the death of Defendant No.5 on 15th August, 2009, he has not looked after his mother i.e. Defendant No.5A.” are to be excluded from consideration. The rest of Paragraph 24 is retained.

(S. J. KATHAWALLA, J.)