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

**SUMMONS FOR JUDGMENT NO. 5 OF 2017
IN
SUMMARY SUIT NO. 541 OF 2016**

Dr. Smita Amul Rawal .. Applicant

In the matter between

Dr. Smita Amul Rawal & Anr. .. Plaintiffs
Vs.

KCD Siddharth Lifespace & Shri Swami
Lifespaces Pvt. Ltd. .. Defendant

Mr. Subir Kumar for the Plaintiffs.
Mr. Anilkumar K. Patil for Defendant No.4.
Mr. Anil D'souza for Defendant No.5.
Mr. Jagdish T. Shukla i/b D. R. Singh for Defendant No.3.

CORAM : B. P. COLABAWALLA, J.
DATE : 10th NOVEMBER, 2017.

P. C. :

1. Learned counsel appearing on behalf of the plaintiffs fairly stated before the Court that since triable issues arise in the present suit, the Summons for Judgment be dismissed and the suit be transferred to the list of Commercial Causes.

2. In view of the fair stand taken by the Advocate for the plaintiffs, the Summons for Judgment is dismissed and unconditional leave is granted to the defendants to defend the suit. The suit is, accordingly, transferred to the list of Commercial Causes. The defendants shall file

their written statement within eight weeks from today.

3. The Summons for Judgment is, accordingly, disposed of.

[B. P. COLABAWALLA, J.]