

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

**CHAMBER SUMMONS NO.1503 OF 2016
IN
SUIT NO.2085 OF 2009**

Udaya Shankar Shyama ShettyApplicant/Org. Def. No.8

IN THE MATTER BETWEEN :

Padubridi P. Shetty and Ors.Plaintiffs

V/s.

Laxmi Jayaram Shetty and Ors.Defendants

Ms. A. Tawde i/b. Kanga and Co. for the plaintiffs.

Mr. Udayan Shah i/b. Mr. Vaibhav Gaikwad for the defendant nos.1 to 4.

Mr. Aniket Ransubhe i/b. Mr. Ajay Basutkar for the defendant no.8/applicant.

Ms. Heena Shah i/b. Sonal Doshi and Co. for the defendant nos.9 to 13.

CORAM : K.R.SHRIRAM,J

DATE : 12th JANUARY, 2017

P.C.:-

1 Mr. Ransubhe, counsel appearing for the applicant/defendant no.8 prays that the order dated 25th July, 2011 passed by the Prothonotary and Senior Master, High Court, Bombay transferring the suit to the list of undefended suits as against defendant no.8 be set aside.

2 The counsel for the applicant states that the written statement has already been declared on 8th December, 2015, the same day when the affidavit in support of the chamber summons has been affirmed.

3 Ms. Tawde, counsel appearing for the plaintiffs in fairness states that since the issues are yet to be framed, the court may condone the delay and take the written statement on record but the applicant should be put to terms.

4 Therefore, the chamber summons is allowed and accordingly disposed in terms of prayer clauses – (a) and (b).

5 The applicant to pay a sum of Rs.10,000/- as donation to the Maharashtra Legal Aid Services Authority. This amount has to be paid within two weeks from today.

6 Mr. Ransubhe, counsel for the defendant no.8 states that the written statement will be lodged in the registry during the course of today and copy of the written statement will be served on or before 16th January, 2017.

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

(K.R.SHRIRAM,J)