

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

**NOTICE OF MOTION NO. 1960 OF 2011
IN
SUIT NO. 652 OF 2011**

Mayura S. Gupta and
Master Yashwardhan S. Gupta

.. Plaintiffs

Vs.

Asha L. Gupta & Ors.

.. Defendants

Mr.Madhusoodanan Nair a/w. Mr.Sharad Agre i/b KPMC Legal for
plaintiffs/applicants.

Mr.Ganesh Ambekar i/b M/s. Thakore Jariwala and Associates for defendant
nos.1, 3, 4, 6 and 7.

Ms.Asha Himanshu Kode for defendant no.5.

CORAM : K.R.SHRIRAM, J.

DATE : 30TH MARCH, 2017

P.C.

1 Shri Nair for the plaintiffs/applicants seeks leave to withdraw the
notice of motion and requests that the hearing of the suit be expedited since
plaintiff no.1 is the widow and plaintiff no.2 is the minor son of the
deceased.

2 The notice of motion disposed as withdrawn.

3 Considering the fact that plaintiff no.1 is the widow and plaintiff no.2
is the minor son of the deceased and the suit itself has been filed in 2011,

this is a fit case to expedite the hearing of the suit.

The hearing of the suit is expedited.

4 Shri Nair states that in compliance of the order dated 13th June 2016, the plaintiffs have filed their affidavit documents and served a copy of the compilation of documents but the defendants have not come forward to take inspection or filed their statement of admission and denial.

5 Shri Ambekar for defendant nos.1, 3, 4, 6 and 7 states that he can go to Shri Nair's office on 1st April 2017 at 11:15 a.m. and take inspection of all the documents. Shri Nair states he can give inspection on that date and time. On or before 7th April 2017, the defendants shall file their statement of admission and denial with reasons for denial.

6 Shri Ambekar states that the defendants have not filed any affidavit of documents. On 13th June 2016, parties were directed to file their respective affidavits of documents, give inspection and file and exchange statements of admission and denial within two weeks. Almost 9 months have passed since then and the defendants have still chosen not to file their affidavit of documents and compilation of documents.

7 As and by way of last chance, purely by way of an indulgence, time to file affidavit of documents is extended upto and including 1st April 2017. The defendants shall also give inspection of all their documents on or before 8th April 2017.

8 The suit be listed on 11th April 2017 for issues at which time, parties shall come with agreed draft issues and a separate list of issues on which they are unable to agree.

(K.R. SHRIRAM, J.)