

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

**NOTICE OF MOTION NO.2133 OF 2016
IN
SUIT NO.254 OF 2008**

Aparna H. ChoudhariApplicant/Org. Plaintiff No.4.

IN THE MATTER BETWEEN :

Sindhu P. Korgaonkar & Ors.Plaintiffs

V/s.

Vilas Gajanan Mhatre & Ors.Defendants

Mr. Yogesh S. Palve for the plaintiffs.

Mr. Dipesh Siroya for the defendant no.1.

Mr. V.Y. Sanglikar for the defendant nos.2 and 3.

Ms. Savina R. Crasto for the defendant nos.4 to 15.

CORAM : K.R.SHRIRAM,J

DATE : 4th JANUARY, 2017

P.C.:-

1 Mr. Palve, counsel appearing for the plaintiffs states that though the suit has been filed in 2008 completion of service of the writ of summons and copy of the plaint on all the defendants has been accomplished only recently.

2 Therefore, this notice of motion taken out for expediting the suit is premature and accordingly stands dismissed.

3 The plaintiffs to file affidavit of service within two weeks from today.

4 Mr. Sanglikar, counsel appearing for the defendant nos.2 and 3 states that he has taken out a notice of motion bearing no.2677 of 2016 for rejection of the plaint under Order 7 Rule 11 (a) and (d) of the Code of Civil Procedure. The counsel for the plaintiffs states that their reply to this notice of motion is on record.

 Mr. Sanglikar seeks leave to amend the prayer clause of the notice of motion no.2677 of 2016. Leave granted. The amendment to be carried out forthwith.

5 The notice of motion no.2677 of 2016 and notice of motion no.1106 of 2012 to be listed for hearing on 23rd January, 2017.

6 Mr. Siroya, counsel appearing for the defendant no.1 seeks two weeks time to file written statement. Time granted.

(K.R.SHRIRAM,J)