

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1823/2017
WITH
NOTICE OF MOTION (L) NO.2474/2017
IN
SUIT NO.2932/2000

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. S. R. Rajguru a/w. Mr. Bharat Mehta for the Plaintiff

Mr. Harshil Parekh i/b. Purnanand & Co. for Defendant Nos. 7 to 18.

CORAM : K. K. TATED, J.

DATE : DECEMBER 6, 2017

P.C.:

1. Notice of Motion No.2474/2017 is not on board. By consent of the parties, the Notice of Motion is taken up for hearing.

2. Heard. The Notice of Motion No.1823/2017 is filed by Defendant Nos. 7 to 18 for condonation of delay in filing the written statement and allowing them to file the same in the present proceedings.

3. The learned counsel for the Plaintiff Union of India submits that their Chamber Summons

No.974/2017 was dismissed for non prosecution by order dated 31.12.2017. He submits that they filed the Notice of Motion (L) No.2474/2017 for recalling the order dated 31.10.2017 and for restoration of Chamber Summons No.974/2017 for hearing on merits. At his request, by consent of the parties Notice of Motion (L) No.2474/2017 is taken up for hearing on merits.

4. After arguing for some time, both the counsel submit that they have no objection if the both the Notices of Motion i.e. Notice of Motion No.1823/2017 filed by Defendant Nos.7 to 18 for condonation of delay in filing the written statement and permission to file the same and the Notice of Motion (L) No.2474/2017 for recalling the order dated 31.10.2017 and for restoration of Chamber Summons No.974/2017 is allowed.

5. Both the counsel to that effect given in writing. Same is taken on record and marked "X" for identification.

6. Hence, by consent of the parties, both the Notices of Motion are allowed as under:

a. Notice of Motion No.1823/2017 is made absolute in terms of prayer clauses (a) and (b) which read thus:

“(a) That this Hon'ble Court may be pleased to condone the delay of 932 days in filing the written statement of these Defendant Nos.7 to 18.

(b) That this Hon'ble Court may be pleased to allow the Defendant Nos.7 to 18 to file their written statement and the same be taken on record.

b. The Applicant Defendant Nos.7 to 18 to file their written statement in the Registry on or before 21.12.2017 with copy to other side.

**ORDER IN NOTICE OF MOTION
(L)NO.2474/2017**

c. Notice of Motion (L) No.2474/2017 is made absolute.

d. Order dated 31.10.2017 passed in Chamber Summons No.974/2017 is recalled

e. The Chamber Summons No.974/2017 is restored to file for hearing on merits.

f. The Chamber Summons No.974/2017 shall be placed on board for hearing on merits on 19.01.2018.

g. No order as to costs.

JUDGE