

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

**CHAMBER SUMMONS NO. 56 OF 2015
IN
SUIT NO. 19 OF 2014**

Bhuwalka Steel Industries Ltd. & Ors. .. Applicants

In the matter between :

Ushdev International Limited & Ors. .. Plaintiffs

Vs.

Bhuwalka Steel Industries Ltd. & Ors. .. Defendants

Mr.Aman Arora i/b M/s. Desai and Diwanji for plaintiffs.

Mr.Mayank A. Bagla i/b Bagla and Associates for defendant Nos.1 to 6/applicants.

CORAM : K.R.SHRIRAM, J.

DATE : 5TH JULY, 2017

P.C.

1 Heard the counsel for the applicants and also considered the affidavit in support. In my view, this is a fit case to allow the reliefs as sought.

2 Chamber summons accordingly disposed in terms of prayer clauses (a) and (b).

3 The counsel states that the written statement will be lodged in the registry by tomorrow. The registry to accept the same and take the same on record subject to removal of office objections if any.

4 It is not clear whether defendant no.7 has been served or not. At the same time, in the order dated 21st July 2014 of the Additional Registrar, it is recorded that the counsel for the plaintiffs states that defendant no.7 has been served and affidavit of service has been filed in the registry. I am unable to trace any affidavit of service in the record and proceedings and the counsel appearing today is unable to assist the Court or unable to state whether any such affidavit is filed or tender any document showing service upon defendant no.7.

5 Therefore, if defendant no.7 has been served, then the suit as against defendant no.7 be transferred to the list of undefended suits. As regards defendant nos.1 to 6, the suit be listed for issues on 8th August 2017.

6 If the plaintiffs are unable to show that they have served defendant no.7, as recorded in the order of 21st July 2014, the suit will stand dismissed as against defendant no.7 for want of prosecution.

(K.R. SHRIRAM, J.)