

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

**NOTICE OF MOTION NO. 3250 OF 2010
IN
SUIT NO. 2930 OF 2010**

Manish Kantilal Kapadia .. Plaintiff/Applicant
Vs.
Dilip Kanitlal Kapadia & Ors. .. Respondents

Mr. Shyam Gopal i/b Veritas Legal for plaintiff.

Ms. Alpana Ghone a/w. Mr. Arjun Srivastava i/b Desai and Diwanji for defendant nos. 1 and 3.

Mr. Alok Patel i/b Mahendra Patel and Associates for defendant no. 2.

**CORAM : K.R. SHRIRAM, J.
DATE : 12TH APRIL, 2017**

P.C.

1 Mr. Shyam Gopal appearing for the plaintiff states that the order dated 23rd August 2010 read with the order dated 2nd September 2010 in the above notice of motion covers all the reliefs as sought in the said notice of motion and nothing survives in the motion. Ms. Ghone for defendant nos. 1 and 3 and Mr. Patel for defendant no. 2 agree with Mr. Gopal.

2 In the circumstances, the order dated 23rd August 2010 read with the order dated 2nd September 2010 is confirmed as order in this notice of motion and notice of motion stands disposed.

3 Defendant nos.1 and 3 have filed written statement. Defendant nos.4, 5 and 6 have not filed any written statement. Shri Patel for defendant no.2 seeks some time to file written statement.

4 By an order dated 25th June 2013, the Additional Prothonotary and Senior Master had directed that the written statement to be filed within six weeks and if not filed, the suit will be transferred to the list of undefended suits. Defendant nos.2 and 4 to 6 had almost four years, still the written statement is not filed. In view of the request made by Mr.Patel for defendant no.2, as and by way of last chance, defendant no.2 is granted time till 24th April 2017 for filing written statement. As far as defendant nos.4, 5 and 6 are concerned, the suit to proceed as undefended suit.

5 Stand over to 2nd May 2017 for issues at which time, the parties to come up with agreed draft issues and a separate list of issues on which they are unable to agree.

(K.R. SHRIRAM, J.)