

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

**NOTICE OF MOTION NO.3538 OF 2011
IN
SUIT NO.1998 OF 2007**

Joitendra A.Sheth and Ors.)....Plaintiffs

V/s.

Matangi Property Pvt. Ltd. & Ors.)....Defendants

Ms.Prateeti Thakar i/by FF & Associates for plaintiffs.

Mr.Haresh H.Mansukhani for defendant no.1.

Ms.Hina A.Mody for defendant nos.2 to 16, 18 to 29, 31 to 51 and
applicant in Notice of Motion No.3538/2011.

**CORAM : K.R.SHRIRAM,J
DATE : 7.9.2017**

P.C.:-

1 Counsel for plaintiffs is unable to assist the court.

Therefore, matter is kept back at 3.00 P.M.

At 3.00 P.M.

1 This Notice of Motion is for expediting hearing of the suit.

Ms.Thakar appearing for plaintiffs states that all the defendants have
been served and defendant nos.17 & 30 have not been represented.

Ms.Thakar also states that the affidavits of service upon defendant
nos.17 & 30 are on record. Defendant nos.2 to 16, 18 to 29 and 31 to
51 have filed their written statement. Defendant no.1 is given last
chance to file written statement upto and including 21.9.2017. If

written statement is not filed, the suit as against defendant no.1 will get transferred to the list of un-defended suit.

2 So far as defendant nos.17 & 30 are concerned, suit be transferred to list of un-defended suit.

3 In view of the above, Notice of Motion stands disposed.

4 Suit be listed on 3.10.2017 at 3.00 P.M. for issues at which time parties will come with agreed draft issues and a separate list of issues on which they are unable to agree.

5 Pursuant to order dated 25.7.2017 plaintiffs have amended the plaint but have not served upon defendants. Copy of the amended plaint to be served not later than 11.9.2017.

(K.R.SHRIRAM,J)