

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

**CHAMBER SUMMONS NO.70 OF 2018
WITH
NOTICE OF MOTION NO.2000 OF 2017
IN
SUIT NO.619 OF 2017**

Kalyanrao Govindrao Borade and Anr.Plaintiffs

Vs.

JJ Associates and and Ors.Defendants

Mr. Sanjay Jain a/w. Ms. Kanizz Munjee I/b. LJ Law for applicants/plaintiffs.

Mr. Atul Thakkar I/b. M/s. Mulla and Mulla and CBC for defendant nos.1,2,4 to 6 and 9.

Mr. Jigar Shah a/w. Mr. Sanmish Gala I/b. Markand Gandhi and Company for defendant nos.3,10 and 11.

Ms. Snehal Dukhale I/b. Mr. Mehul Shah for defendant nos.7 and 8.

CORAM : K.R.SHRIRAM, J.

DATE : 10th DECEMBER 2018

P.C.:

CHAMBER SUMMONS NO.70 OF 2018

1 Without prejudice to the rights and contentions of defendants and in view of the no objection granted by the counsel for defendants, chamber summons is allowed and accordingly disposed in terms of prayer clause – (a).

2 Leave to amend as per the schedule to the chamber summons is granted, except the portion which is bracketed in red ink.

3 Amendment to be carried out and copy of the amended plaint to be served on or before 22nd December 2018.

4 All defendants waive service of the writ of summons.

5 Therefore, the following directions are passed :

(a) defendants shall file written statement and serve a copy thereof upon plaintiffs by 31st January 2019, failing which the suit may be decreed ex-parte against that defendant;

(b) parties to file their respective affidavit of documents and serve a copy thereof upon the other side on or before 8th February 2019, failing which parties will not be permitted to rely on any document, copy whereof is not annexed to the plaint and/or written statement or mentioned in the list of documents annexed to the plaint and/or written statement;

(c) inspection to be given and statement of admission and denial with reasons for denial to be exchanged by 16th February 2019. If the statement of admission and denial is not given, parties shall be deemed to have admitted the existence of all the documents of the other side. If inspection is not given, such party will not be permitted to rely on any document.

6 Suit be listed for issues on 20th February 2019 on which date parties shall come with agreed draft issues and a separate list of issues on which they are unable to agree. On the next date, if parties do not come with draft issues, they are put to notice that parties will be put to terms.

(K.R. SHRIRAM, J.)