

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL CHAMBER SUMMONS NO.186 OF 2018
IN
COMMERCIAL SUIT NO.820 OF 2017**

Kasamali Fatehali Merchant and Anr.Applicants/Plaintiffs

Vs.

Mistry Builders and Ors.Defendants

Mr. Prathamesh Kamat a/w. Ms. Gauri Mestha I/b. LJ Law for applicants/plaintiffs.

Ms. Tejal Pandya I/b. Ashwin Pandya and Associates for defendant nos.2(a).

CORAM : K.R.SHRIRAM, J.

DATE : 10th DECEMBER 2018

P.C.:

1 By consent, chamber summons is allowed and accordingly disposed.

2 Amendment to be carried out and copy of the amended plaint to be served by 22nd December 2018.

3 Ms. Pandya waives service of the writ of summons on behalf of defendant no.2(a).

4 Therefore, the following directions are passed :

(a) defendants shall file written statement and serve a copy thereof upon plaintiffs by 15th January 2019, failing which the suit may be decreed ex-parte against that defendant;

(b) parties to file their respective affidavits of documents and serve a copy thereof upon the other side on or before 25th January 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 9th 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.

5 Suit be listed for issues on 13th 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.)