

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

**NOTICE OF MOTION NO. 524 OF 2017
IN
SUIT NO. 219 OF 2015**

State of Maharashtra & Anr.

...Applicants

In the matter between

Maganlal Popatlal Charity and
Sarvodaya Hospital Trust & Ors.

...Plaintiffs

Vs.

Krishnalaya Co-op.Housing Society Ltd. & Ors.

...Defendants

Ms.Rubia Taneja I/b. Jitendra J. Shah for Plaintiffs.

Mr.Shailendra K. Kanetkar for Defendant No.1.

Ms.Geeta Shastri, Additional Govt. Pleader for Defendant Nos.4 and
5/applicants in NMS 524/2017.

CORAM : S.C. GUPTE, J.

DATE : 24 SEPTEMBER 2018

P.C. :

This notice of motion is taken out by Defendant Nos.4 and 5 for recall of an order transferring the suit to the list of Undefended Suits as against Defendant Nos.4 and 5 and leave to file the written statement. The written statement is affirmed as of 2 February 2017. The Defendants were directed to file the written statement on or before 21 January 2017. There is a delay of about 12 days in filing the written statement.

2 For the reasons stated in the affidavit in support of the notice of motion, the delay is condoned and the order of transferring the suit to the list of Undefended Suits passed on 21 December 2016 is recalled and

set aside as against Defendant Nos.4 and 5. The Defendants tender their written statement. The same is taken on record.

3 The notice of motion is disposed of.

(S.C. GUPTE, J.)