

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 809 OF 2017
IN
SUIT NO. 396 OF 2006**

Adarsh Water Parks & Resorts Pvt Ltd ...Plaintiff
Versus
Abdul Rashid Abdul Rehman Yusuf (deleted) & ...Defendants
Anr

**AND
CHAMBER SUMMONS (L) NO. 829 OF 2017
IN
SUIT NO. 396 OF 2006**

Mr Ranjit Bhosale, with Parmeshwar Bhise, for the Plaintiff.

**CORAM: G.S. PATEL, J
DATED: 19th June 2018**

PC:-

1. The Plaintiffs have been extremely delayed in filing their Evidence Affidavit. There was a conditional order.
2. The Motion seeks that the Suit be dismissed for non-compliance of the previous orders of 5th October 2015 and 29th

February 2016. I would have allowed the Motion immediately and dismissed the Suit had the Plaintiffs not kept their Evidence Affidavit and compilation ready. A copy of the Evidence Affidavit and the compilation is given to the Advocates for the Defendants today in Court.

3. In addition, the learned Advocate for the Plaintiffs offers to pay costs of Rs.51,600/-. The costs are to be paid to the Defendants as a condition precedent within a week from today.

4. I therefore see no reason why the Suit should be dismissed at this stage.

5. The Evidence Affidavit and the compilation will be filed in the Registry by Monday, 25th June 2018. Costs to be paid by Friday, 22nd June 2018.

6. List the Suit for marking the Plaintiffs' documents on 16th July 2018.

7. The Motion is dismissed on these terms.

(G. S. PATEL, J)