

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

**CHAMBER SUMMONS NO.394 OF 2018
WITH
NOTICE OF MOTION NO.716 OF 2017
WITH
NOTICE OF MOTION NO.1506 OF 2017
IN
SUIT NO.137 OF 2017**

Varun Apartments CHS Limited and Ors.Plaintiffs

Vs.

Chandrakant Wairkar and Ors.Defendants

Mr. Shaishav T. Savla I/b. Mr. Bharat Joshi for applicants/plaintiffs.
Ms. Shaba N. Khan I/b. Govilkar and Associates for defendant nos.1 to 5.

**CORAM : K.R.SHRIRAM, J.
DATE : 10th DECEMBER 2018**

P.C.:

CHAMBER SUMMONS NO.394 OF 2018

1 Ms. Khan, counsel for defendant nos.1 to 5 and respondents states that she has no objection for the grant of relief as prayed for in the chamber summons.

2 Therefore, chamber summons is allowed and accordingly disposed in terms of prayer clauses – (a) and (b).

3 Amendment to be carried out and copy of the amended plaint to be served within three weeks from today.

4 Ms. Khan waives service of the writ of summons on behalf of all newly added defendants.

5 Mr. Savla, counsel for plaintiffs states that writ of summons has been served on defendant no.6 and undertakes to file affidavit of service within two weeks from today. Undertaking accepted.

6 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 9th 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.

7 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.)