

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 997 OF 2018
IN
SUIT NO. 1757 OF 2008**

Lalit Kumar S Kabra & Anr	...Plaintiffs
<i>Versus</i>	
Ramchand Lekhraj & Ors	...Defendants

**Mr Rohaan Cama, with Ms Kainaz Irani, I/b Prasad Das, for the
Plaintiffs.**
Mr Amol Doijode, for the Defendant & for the Applicants in NMS.

**CORAM: G.S. PATEL, J
DATED: 25th June 2018**

PC:-

1. By consent and without assessment on merits and specifically leaving upon all contentions of the Defendants alleging fraud and which Mr Cama has oral instructions to deny, the *ex parte* decree dated 4th April 2008 is set aside. The Suit itself is thus restored to file.

2. Mr Doijode appearing for the Defendants Nos. 2, 3, and 4 says that Defendant No. 1 has passed away. His legal heirs are already on record and no further amendment is required except to permit the deletion of name of the 1st Defendant. This amendment

is to be carried out without need of reverification immediately in Court. The corresponding changes required to the Complaint are also permitted.

3. On behalf of the other Defendants, Mr. Doijode has instructions to waive personal service of the Writ of Summons. A copy of the Complaint as amended will be furnished by the by the end of the day today.

4. Written Statements will be filed and served on or before 13th August 2018.

5. List the Suit for framing issued on 27th August 2018.

6. On behalf of the Defendants a statement is made that in view of this order, the Appeal that is filed (but not yet moved) will be withdrawn at the earliest available opportunity.

7. The Notice of Motion is disposed of in these terms. There will be no order as to costs.

(G. S. PATEL, J)