

Before : Shri A. M. Chandekar
Prothonotary & Senior Master
Date : 5th February, 2018

FOR HEARING AND FINAL DISPOSAL (ORIGINAL SIDE MATTERS) :

1	CHOL/803/2017	)	Ms. Sapana Krishnappa I/b. Suresh
	COMS/260/2016	)	Dubey, Advocate for Applicant/
		)	Defendant No. 2.
		)	
		)	Ms. Sonam Mhatre a/w. Tesjas Gokhale
		)	I/b. Dhaval Vussonji and Associates,
		)	Advocate for Respondents/Plaintiffs.
		)	
		)	P.C. : The present Chamber Order is taken out
		)	by Defendant No. 2 for setting aside
		)	Order dated 11.04.2017 by which Suit
		)	against Defendant No. 2 was transferred
		)	to the list of Undefended Suits for want
		)	of written statement.
		)	
		)	Perused Affidavit in Support. Heard Ld.
		)	Counsel for Applicant and Ld. Counsel
		)	for Respondents. On consideration of
		)	Affidavit in Support of Defendant No. 2,
		)	Defendant No. 2 was served with writ of
		)	summons on 14.01.2017. Counsel gave
		)	appearance on behalf of Defendant No.
		)	2. Despite that, Defendant No. 2 failed
		)	to file written statement within
		)	stipulated period of time. Hence, Suit
		)	was transferred to the list of
		)	Undefended Suits on 11.04.2017.
		)	
		)	Chamber Order is strongly opposed by
		)	Ld. Counsel for Plaintiffs on the ground
		)	that instant Suit is admittedly
		)	Commercial Suit and it is for Defendant
		)	to file written statement within period
		)	of thirty days. Therefore, it is prayed
		)	that present Chamber Order may be
		)	rejected since devoid of merits.

2 **Before : Shri A. M. Chandekar**
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contd...	)	Reasons mentioned in the Affidavit in
CHOL/803/2017	)	Support for non-filing of written
COMS/260/2016	)	statement appear to be not sufficient.
	)	Hence, Chamber Order stands rejected.
	)	No order as to costs.

Date : 05.02.2018

Prothonotary & Senior Master