

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

**SUIT NO.83 OF 2017
WITH
NOTICE OF MOTION NO.334 OF 2017
IN
SUIT NO.83 OF 2017**

Rammani Mathuraprasad Mishra and Anr.Plaintiffs
Vs.

Isa Enterprieses and Ors.Defendants

Mr. Dishang Shah I/b. P.M. Shah for plaintiffs.
Mr. Santosh R. Vishwakarma a/w. Mr. Ankur Pahade and Mr. Prasad Dube-
Patil for defendant no.3.

**CORAM : K.R.SHRIRAM, J.
DATE : 7th DECEMBER 2018**

P.C.:

1 Suit is settled between plaintiffs and all defendants, expect defendant no.3. Consent terms have also been filed on 22nd March 2017.

2 The counsel for defendant no.3 waives service of the writ of summons.

3 Therefore, the following directions are passed :

(a) defendants shall file written statement and serve a copy thereof upon plaintiffs by 5th 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 12th January 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

19th January 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.

4 Suit be listed for issues on 23rd January 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.

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1 The counsel for plaintiff and counsel for defendant no.3 state that the order dated 18th August 2016 be confirmed as order in the notice of motion and notice of motion be disposed.

2 Therefore, the order dated 18th August 2016 is confirmed as order in the notice of motion and notice of motion accordingly disposed.

(K.R. SHRIRAM, J.)